



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Judiciary

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

Thursday, June 25, 2020, 10:00 a.m.
State Capitol, Conference Room 016

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

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 1902, H.D.2, S.D. 1, Proposed S.D. 2, Relating to Firearms.

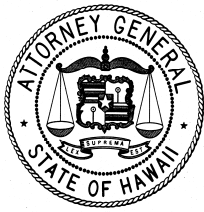
Purpose:

Prohibits the manufacture, possession, sale, barter, trade gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of ten rounds, regardless of the type of firearm with which the magazine is compatible. Allows possession of large-capacity magazines that were legally possessed prior to the effective date of this Act. Allows acquisition by means of inheritance of large-capacity magazines that were legally in possession prior to the effective date of this Act. Allows possession and use by law enforcement agencies and officers. Excludes use of blank-fire assault weapons and attachments for use solely as props for a motion picture, television, or digital video production or entertainment event. (Proposed SD2)

Judiciary's Position:

The Judiciary does not take a position on this bill. The Judiciary previously provided comments in response to H.D. 2 due to the fact that it involved juvenile Family Court cases and records. Inasmuch as said provisions have been removed, the Judiciary no longer has concerns regarding this bill.

Thank you for the opportunity to provide testimony on this matter.



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

ON THE FOLLOWING MEASURE:

H.B. NO. 1902, H.D. 1, S.D. 1, PROPOSED S.D. 2, RELATING TO FIREARMS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Thursday, June 25, 2020

TIME: 10:00 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Amy Murakami,
Deputy Attorney General, at 586-1200)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) appreciates the intent of the bill but has concerns:

This bill extends the prohibition of magazines with a capacity in excess of ten rounds to all firearms but creates exemptions for magazines currently in a person's possession and allows for the inheritance of magazines. The bill also creates an exemption to Hawaii Revised Statutes (hereafter "HRS") § 134-8 for "blank-firing assault weapons."

The Department has concerns about the enforceability of the high capacity magazine ban. Unlike firearms, magazines do not have serial numbers or registrations that would allow law enforcement to determine when a magazine was purchased or came into a person's possession. Law enforcement will not be able to differentiate between grandfathered or inherited magazines and unlawfully obtained magazines, thereby hampering enforceability of the ban. This enforceability issue potentially seriously undermines the efficacy of the bill.

This bill creates a new subsection (d) to HRS § 134-8 to allow "the manufacture, transportation, possession, sale, or rental of blank-firing assault weapons and the weapon's respective attachments by persons authorized or permitted to acquire and possess these weapons or attachments for the purpose of rental for use solely as props

for motions pictures, television, or digital video production or entertainment events.”
The intent of the provision is unclear from the language.

The statute does not define “assault weapons”, “blank-firing” or “entertainment events.” Each of these terms are broad and could have several definitions. HRS § 134-1 defines assault pistol but not assault weapon. “Blank-firing” could mean a firearm manufactured to only fire blanks, a firearm permanently modified to only fire blanks, a firearm temporarily modified to fire blanks, or all of the above. “Entertainment events” could include concerts, parties and other such social events.

The bill also does not establish the means and requirements for a person to be “authorized or permitted to acquire and possess” the blank-firing weapons for rental purposes. HRS § 134-2.5 establishes the permitting requirements for movie and television productions to possess, transport, and use firearms and explosives with blank cartridges. HRS § 134-2.5 currently would not encompass individuals or entities that are manufacturing, selling, transporting, and possessing “blank-firing assault weapons” for rental purposes. As written, no one would fall within the parameters of this exemption.

Thank you for the opportunity to provide comments.

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committee on Judiciary**

June 22, 2020

H.B. No. 1902, HD2, SD1 and Proposed SD2: RELATING TO FIREARMS

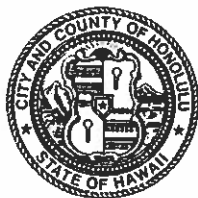
Chair Rhoads, Vice Chair Keohokalole, and Members of the Committees:

The Office of the Public Defender had strong opposition to H.B. 1902, HD2, SD1 and we have had an opportunity to review the Proposed SD2. We maintain our prior opposition with respect to juvenile adjudications and the protection of juvenile records. However, we note that our concerns have been addressed with the Proposed SD2 and we take no position on the Proposed SD2 as to the issue of firearm magazine capacity.

Thank you for the opportunity to further comment on this measure.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE DN-DNK

June 25, 2020

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

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 1902, HD2, SD1, SD2 Proposed, Relating to Firearms

I am David Nilsen, Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 1902, HD2, SD1, SD2 Proposed, Relating to Firearms, with concerns.

This bill seeks to restrict the long gun magazine capacity to ten rounds. For many years, Hawaii has restricted the magazine capacity of pistols to ten rounds. This bill seeks to expand that restriction to long guns as well. The HPD believes that this measure may be significant in mitigating the capabilities of assault weapon-style firearms that may be used in the commission of a mass shooting or any other crime. However, the HPD has concerns grandfathering in (even by inheritance) existing/legally owned, large-capacity magazines. This measure defeats the intent of this bill to remove large-capacity magazines from our streets. This bill should require that all existing, large-capacity magazines be modified to comply with this bill's provisions or disposed of. Additionally, in allowing the use of large-capacity magazines for blank firing for film and video productions, the HPD is concerned with allowing this for "entertainment events," as it is not clear on what type of "entertainment events" this entails.

Thank you for the opportunity to testify.

APPROVED:

A handwritten signature in black ink, appearing to read "Susan Ballard", written over a horizontal line.

Susan Ballard
Chief of Police

Sincerely,

A handwritten signature in black ink, appearing to read "David P. Nilsen", written over a horizontal line.

David P. Nilsen, Major
Records and Identification Division

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

DWIGHT K. NADAMOTO
ACTING PROSECUTING ATTORNEY



LYNN B.K. COSTALES
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY

LATE

**THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2020
State of Hawai`i**

June 25, 2020

RE: H.B. 1902, H.D. 2, S.D. 1; RELATING TO FIREARMS.

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony expressing concerns for H.B. 1902, H.D. 2, S.D. 1 as written.

The purpose of H.B. 1902, H.D. 2, S.D. 1, is to reduce gun violence in the State of Hawaii by prohibiting the acquisition and use of large-capacity magazines for firearms. Although the Department is in strong favor of passing legislation to prohibit the new acquisition and use of large-capacity magazines for firearms, the Department believes that as drafted, H.B. 1902, H.D. 2, S.D. 1 will create obstacles for successful enforcement and prosecution.

Areas of Concern:

Page 4, Lines 12-18 – this section creates a number of exceptions under Section 134-8(c), which include possessing the magazine prior to the effective date, inheriting from a person who legally possessed the magazine and possession by law enforcement officers for official purposes. The Department believes that these exceptions will render the enforceability of Section 134-8(c) near impossible. Without the requirement of serial numbers on high-capacity magazines such as those attempted by Nevada following the 2017 attack at the Route 91 Harvest Music Festival, law enforcement will be unable to differentiate between the lawful and unlawful ownership of high-capacity magazines. There will routinely be insufficient evidence to prove the individual legally possessed the magazine prior to the effective date of this bill or inherited the magazine from someone who legally possessed the magazine prior to the effective date.

Page 5, Line 7-8 – the Department would note that Section 134-8(d) includes a number of terms that are currently undefined in the Hawaii Revised Statutes. For purposes of prosecution, the

Department would suggest this committee define “blank-firing assault weapons”. If needed, our Department stands ready to discuss this matter further with other stakeholders, and the Committee, to draft revised language.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu expresses concerns with the passage of H.B. 1902, H.D. 2, S.D. 1. Thank you for the opportunity to testify on this matter.

TESTIMONY ON BEHALF OF
THE LIBERTARIAN PARTY OF HAWAII
c/o 1658 Liholiho St #205
Honolulu, HI 96822

June 20, 2020

RE: HB1902 HD 2 SD 1 to be heard Thursday June 25, in Room 016, at10:00AM

To the members of the Senate Committee on Judiciary

OPPOSE

Dear Senators:

This bill violates the US second amendment by limiting the access to guns. Due to the exceptions it has little actual utility in preventing the sorts of violence it is purported to limit. The ability for more citizens to own and carry guns is a far better way of stopping a would be mass murder than this idea. The advantage to such a killer in having one sort of gun or another is far less when people can fire back.

Aloha



Tracy Ryan
For the Libertarian Party of Hawaii

HB-1902-SD-1

Submitted on: 6/22/2020 3:09:39 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Every day, citizens encounter the same threats that officers face and are, in fact, the primary target of crime. If Chief Ballard insists on her officers carrying standard capacity magazines for their safety, I find it odd that citizens under the "care" of the police don't deserve the same considerations.

The vast majority of robberies are perpetrated by more than one assailant so standard capacity magazines are required to address the threat. There are hundreds of thousands, if not millions of standard capacity magazines in the islands and the problem this bill aims to solve doesn't exist.

Our right to own these standard capacity magazines as well as the ammunition that feed them are just as important as our Constitutionally protected right to own firearms, they are one in the same.

Please vote no on HB1902

Kainoa Kaku, President

Hawaii Rifle Association

NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

June 23, 2020

The Honorable Karl Rhoads
Chair, Senate Committee on Judiciary
Hawaii State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Chairman Rhoads:

On behalf of the members of the National Rifle Association in Hawaii, I would like to communicate our strong opposition to House Bill 1902 SD 2 proposed (HB 1902).

HB 1902 prohibits trade, barter, sale, manufacture etc. of magazines capable of holding more than ten rounds, expanding upon the current restrictions on magazines “designed for or capable of use with a pistol”. Magazines possessed prior to the ban remain legal, but cannot be transferred to a new owner except through inheritance. Gun control advocates like to label these magazines as “large” or “high capacity”. However, they are in fact standard equipment for commonly-owned firearms that many Americans legally and effectively use for an entire range of legitimate purposes, such as self-defense or competition. The ten round limitation is simply an arbitrary number.

Criminals will, of course, simply ignore the new restrictions, while law-abiding gun owners who wish to defend themselves and their families are denied useful equipment.

Magazines with a capacity higher than 10 rounds are in common use and have a clear self-defense purpose, and should therefore certainly be covered under the standard defined by the Supreme Court in *District of Columbia vs. Heller*. Last year in the 9th Circuit case of *Duncan v. Becerra*, a judge ruled that the California magazine ban violated the Second Amendment and amounted to an unconstitutional taking without compensation. If HB 1902 were to become law, it would suffer a similar fate.

For the foregoing reasons I respectfully request your opposition to HB 1902.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Reid".

Daniel Reid
Western Regional Director
NRA-ILA



The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

State Capitol, Room 016
Honolulu, Hawaii 96813

HEARING: Thursday, June 25, 2020, at 10:00AM

RE: HB1902 Relating to the Firearms; Large Capacity Magazine; Prohibition

Aloha Members of the Senate Committee,

The Hawaii Firearms Coalition OPPOSES HB1902 HD2 SD1.

The Hawaii Firearms Coalition opposes this bill due to prohibiting rifle magazines able to hold more than 10 rounds. Currently, rifle magazines that hold 20-30 rounds are legal here in Hawaii and number in the HUNDREDS of THOUSANDS. This law would turn the owners of the magazines into FELONS overnight.

The bill makes mention of the use of large capacity magazines in “every mass shooting” of the last decade. This is not the case. The shooter in the tragic shooting at Parkland used 10 round magazines exclusively. The shooter in the 2007 Virginia Tech shooting also used 10 round magazines. The bill falsely makes the claim that large capacity magazines led to the higher fatality rates. The truth is much simpler, 98% of all mass shootings have occurred in “gun free zones”. The higher fatalities occurred because the shooter knew that the people in these schools, churches, and concerts were all disarmed and could not shoot back. Thus the idea that this ban would reduce gun violence in any shape or form is deeply flawed and a flat out lie.

HIFICO opposes this bill:

1. There is currently a lawsuit in the 9th circuit challenging a similar law banning large capacity magazines. HB1902 should be deferred if not removed from consideration until this case is resolved as the 9th Circuit had issued a temporary injunction stopping California’s magazine ban. (Duncan vs. Becerra)
<https://cdn.ca9.uscourts.gov/datastore/memoranda/2018/07/17/17-56081.pdf>
2. There is no exclusion for gun owners who currently own these devices. There are HUNDREDS of THOUSANDS of these magazines in the state. This bill, as written, would make **Felons** out of almost every gun owner in Hawaii.
3. Even if compensation was offered to gun owners to turn in their property, the cost of compensation for these magazines will be in the **tens of millions of dollars**. This is a cost that the

state can ill afford given the devastated state of the economy due to poor leadership from our Governor.

4. The magazine is an integral part of the firearm.
5. Many home invasions involve multiple attackers. Reducing the capacity of a magazine for rifles would hurt the ability of women, elderly, and disabled firearms owners to defend themselves by requiring them to reload in the middle of the effort to defend themselves. We have seen widespread looting and rioting in many major cities in the US over the past several weeks. In many of these areas the Police are not able to respond to even the most violent of crime. Banning magazines for rifles over 10 rounds only makes the victims of this violence more vulnerable and less able to defend themselves.

Please vote no on this deeply flawed proposed legislation.

For these reasons the Hawaii Firearms Coalition Opposes HB1902. Thank you for your consideration.

Mahalo

Jon Webster Abbott
Director, Hawaii Firearms Coalition
PH. (808) 292-5180
Email: jonwebsterabbott@yahoo.com



Pu'uloa Rifle & Pistol Club

PO Box 10471

Honolulu, HI 96816

PRPC is a not for profit military welfare and recreation club and we support military service-members with marksmanship courses, practices, and competition.

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

State Capitol, Room 016
HEARING: Thursday, June 25, 2020 at 10AM
RE: HB1902 Relating to firearms

Aloha Members of the House Committee,

Pu'uloa Rifle and Pistol Club (PRPC) **OPPOSES** HB1902

This bill will adversely affect our membership.

1. **Training with military equivalent equipment**

Service members need to train with the same or similar equipment used for their work. Our members own their own rifles and magazines to train with as the military usually does not provide them for personal training. They own standard 30 round AR15 magazines and practice with them.

2. **Custom equipment**

Many of our members shoot customized high value rifles which take expensive magazines. This law would ban many of them and cost our members a lot of money. Some of these custom and vintage magazines are not available in 10 round capacities. Modifying existing magazines to 10 rounds can be unreliable and cause jamming.

Mahalo

Todd Yukutake
Legislative Liaison
Pu'uloa Rifle and Pistol Club

HB-1902-SD-1

Submitted on: 6/24/2020 8:28:56 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|--|---------------------------|---------------------------|
| Scott Miller | Testifying for Hawaii Rifle Association & Schofield Rod & Gun Club | Oppose | No |

Comments:

HB-1902-SD-1

Submitted on: 6/24/2020 9:33:03 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---|---------------------------|---------------------------|
| Layne Hazama | Testifying for Hawaii Rifle Association | Oppose | No |

Comments:

Strongly oppose this bill. There have been numerous studies that further restrictions on magazine capacity do not have an impact on crimes committed with firearms. There have been numerous studies cited in the case currently in the 9th Circuit that show magazine capacity restrictions did NOT lead to a "safer" community. This is just another bill that appeals to emotion rather than based on facts and rational thought.

This State has a lot of other more pressing issues to deal with. I hope that the people of Hawaii take notice to who is pushing for these bills in light of those other pressing matters.

HB-1902-SD-1

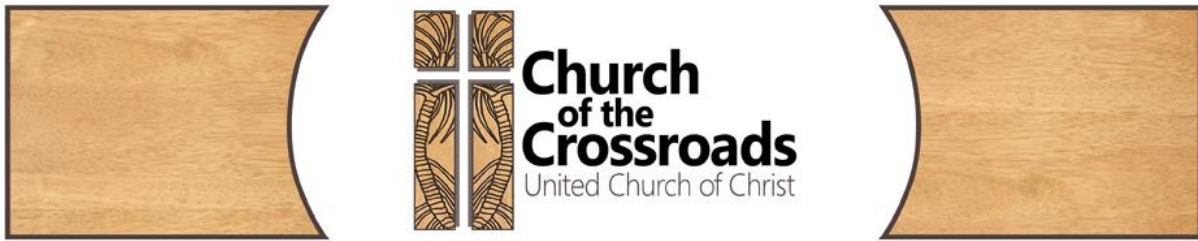
Submitted on: 6/24/2020 7:51:38 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---|---------------------------|---------------------------|
| Tom Lodge | Testifying for Hawaii Hunting Association | Oppose | No |

Comments:

many guns come with a capacity of more than 10 rounds from the factory. These restrictions are ludicrous and apply to situations that are not commonplace nor normal. People bent on mayhem aren't going to be thwarted by a magazine capacity. They would have two, three or more magazines if that was the situation at hand. It is far more secure to allow concealed carry for law abiding citizens to help defend against just such behavior where they are encountered.



A Just Peace and Open and Affirming Congregation

Testimony of the Church of the Crossroads IN SUPPORT OF HB 1902
To the Senate Committee on Judiciary
Hearing Date: June 25, 2020, 10:00am, Room 016

The Church of the Crossroads was founded in 1922 as Hawaii's first intentionally multiethnic church. We are a Just Peace Church of almost 200 members. **We voted unanimously to ban assault weapons and large capacity magazines (LCMs, more than 10 rounds) for civilian firearms. We support HB1902, HD2, SD1 as written, and request there be no exemption created for existing LCMs, as there are already too many LCMs in Hawaii and such an exemption would make it very difficult to discern which LCMs were legal vs illegal.**

Hawai'i is the only state in the nation with an assault weapons ban that fails to ban assault rifles, assault shotguns and LCMs for those weapons. In 1991, Hawaii banned assault pistols/revolvers and detachable LCMs for those weapons, but allowed the proliferation of assault rifles and LCMs for rifles. This makes no sense and creates needless risk of mass violence. Banning all assault weapons and LCMs is important because these weapons are designed to be capable of mass violence; their potential for mass murder far outweighs any plausible use for hunting, recreation or self-defense. HB 1902 would finally ban LCMs for all firearms, and that is a very big step in the right direction. Please do not water down this bill to allow use of existing LCMs, as that just perpetuates the danger for mass violence now and for future generations.

We oppose the exemptions in Proposed SD2 for all existing LCMs and inheritance of those LCMs and so request this committee NOT to adopt the language in Proposed SD2, section 134-8(c)(1&2). This bill is an important step toward banning assault rifles and shotguns, as has been done by every other state with an assault weapons ban, and as was done by the 1994 federal Assault Weapons Ban. The federal Ban prohibited assault rifles and LCMs for them, and resulted in fewer mass shootings. Sadly, that Ban expired in 2004 and Congress failed to re-enact it. The US now has more mass shootings each year than there are days in the year. Hawai'i has not been immune. Hawai'i can and should expand our own assault weapons law to fill this void..

Thoughts and prayers are not enough to combat gun violence. Action is needed. The legislature must do its part by enacting safer gun laws that can reduce future risks of gun violence. We need your help to prevent another mass shooting here. The sooner this ban is created, the sooner we can start reducing the needless spread of LCMs and assault weapons in Hawai'i. Thank you for your consideration of this important issue.

Respectfully submitted by Ellen Godbey Carson, for the Church of the Crossroads

HB-1902-SD-1

Submitted on: 6/24/2020 10:15:53 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|-----------------------------|---------------------------|---------------------------|
| Jad | Testifying for Rook Customs | Oppose | No |

Comments:

Aloha and on behalf of Rook Customs we appreciate you taking our Testimony,

On 29 March, 2019, Judge Roger T. Benitez granted a motion for summary judgement against California Attorney General Xavier Becerra in [the case of Duncan v. Becerra](#). California's ban on firearms magazines of over 10 round capacity were ruled unconstitutional under the Second and Fourteenth Amendments of the United States Constitution.

We believe this bill should be at the very least held until we have the outcome to the case before the 9th Circuit. As recently as 2nd of April, 2020 a three-judge panel from the Ninth Circuit heard oral arguments in the Duncan v. Becerra case. The District Court had decided the outright ban of magazines with a capacity of more than 10 rounds violated the Second Amendment. The opinion, by Judge Roger T. Benitez can be found online and our law makers need to take the time to read it. Putting forth a bill that has already been shown to be unconstitutional would prove to be a blatant violation of Hawaii's citizens rights. Furthermore a huge waste of tax payers money. This is why we oppose this bill.

Respectfully,

Jad Doherty /Rook Customs

HB-1902-SD-1

Submitted on: 6/19/2020 7:06:57 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| lynne matusow | Individual | Support | No |

Comments:

I am in full support.

HB-1902-SD-1

Submitted on: 6/19/2020 7:29:39 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

My name is **Lou Collazo**, As a constituent, a retired Naval Officer, and law-abiding citizen, I strongly urge you to please oppose Senate Bills 2744, 1902, and 2292. I live in Ewa Beach and work at James Campbell High School as an NJROTC Senior Naval Science Instructor. I am a 1st and 2nd Amendment supporter, and I OPPOSE House Bills 2744, 1902, and 2292. Because as an American, the U.S. Constitution guarantees me certain basic rights, one being “the right to keep and bear arms, shall not be infringed.” It is pretty much summed up in the preamble; “*We the People* of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

Again, please oppose House Bills 2744, 1902, and 2292. Thank you.

Very respectfully submitted,

Lou Collazo

HB-1902-SD-1

Submitted on: 6/19/2020 8:27:15 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Samuel De Costa | Individual | Oppose | No |

Comments:

As your constituent, I respectfully request that you oppose House Bills 1902, 2736, and 2744.

These bills violate my Second Amendment rights. They impose burdensome regulations on law-abiding citizens while providing no benefit to public safety.

Again, I ask that you please oppose House Bills 1902, 2736, and 2744.

HB-1902-SD-1

Submitted on: 6/19/2020 8:22:16 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Riots

Businesses being burned to the ground.

People being pulled from their vehicles and beaten or killed because of the color of their skin.

The complete inability of law enforcement to cope with the problem.

Just a few of the reasons we may need more than 10 rounds, that have been all over the news in the last few weeks.

Did I mention it's an election year?

HB-1902-SD-1

Submitted on: 6/19/2020 9:50:15 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

This bill will not do anything to reduce violence. It will act to restrict the Constitutionally-protected rights of law-abiding citizens. Demonizing standard-capacity magazines ignores the fact that such things are used in a tiny minority of violent crimes.

<https://www.fbi.gov/services/cjis/ucr/>

Since magazines are not regulated items and can easily be acquired via mail-order, anyone who does intend malfeasance of that sort will not be inconvenienced while law-abiding citizens will suffer a reduction in their ability to defend themselves, their loved ones, and their homes.

HB-1902-SD-1

Submitted on: 6/20/2020 9:25:19 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

This law will only have a negative effect on honest gun owners, and no positive social effect. Law Enforcement will be exempt, because they know when additional ammunition is required in a situation, it is a matter of survival, not convenience. Criminals and potential mass murderers will ignore the law, as usual. Honest gun owners, without normal sized magazines, may be at a severe disadvantage if they encounter more than one assailant, as in a home invasion. Besides, the grandfathering provision will be unenforceable, since magazines are neither dated, nor serialized. Don't pass stupid laws.

HB-1902-SD-1

Submitted on: 6/20/2020 1:19:53 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I oppose this bill because I believe it will not solve any current issues or problems. Hawaii is already known to have very restricted firearms laws and passing this law will not make it any more safe, according to statistics derived from other states. This law will only restrict and create more burden for the legally abiding firearms owners, even potentially making many criminals. As a firearms owner and enthusiast, I feel that restricting the capacity of detachable magazines strays away from the core of the second amendment. I also strongly believe that if any law were created, law enforcement should be held to the same standard as the citizens they serve.

HB-1902-SD-1

Submitted on: 6/20/2020 5:42:58 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I am writing to let you know I STRONGLY OPPOSE Bill HB1902.

This bill violates our Second Ammendment. It criminalizes lawful gun owners, which by the way, has increased dramatically due to the civil unrest. It does not have a grandfather clause and it essentially takes away freedom and money from law-abiding, tax paying citizens all to address an imaginary problem that does not actually exist!

HB-1902-SD-1

Submitted on: 6/20/2020 6:52:58 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Strongly oppose this.

This will do nothing to deter crime. WHAT IT WILL DO is only burden the LAW ABIDING CITIZENS who will need to pay extra or be discriminated upon from manufacturers who do not facilitate such ridiculous measures. LETS NOT FORGET INCRIMINATE LAW ABIDING CITIZENS WHO AT ONE POINT WAS LEGAL TO OWN.

HB-1902-SD-1

Submitted on: 6/21/2020 12:53:34 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Colby Takeda | Individual | Support | No |

Comments:

Please pass this bill. How many people need to die before we see change? The inaction of governments (through our lawmakers) to increase public safety with stricter gun laws has led to casualties across the country. We shouldn't need to wait to our own massacre to address this threat. Guns with large capacity magazines can significantly increases a shooter's ability to injury and kill large numbers of people, and they have been used in all ten of the deadliest mass shootings in the last decade.

I typically write long pieces of testimony, but I feel like this piece of legislation is a no-brainer. I find opposing views both selfish and ignorant of the real dangers that these weapons pose, not by the majority of those who are "law-abiding" but by the few that could take advatage of this policy flaw and hurt lives. Furthermore, everyone is a "law-abiding citizen," until they are not, which has been the case with severage mass shootings.

Thank you for this opportunity to testify in SUPPORT.

- Colby

Resident of 96814

HB-1902-SD-1

Submitted on: 6/21/2020 1:41:49 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

The 2nd amendment is the Law of the Land there is no Law above this in any State or County.

Therefore this is a clear Violation of or Constitutional rights. All Senators and House Members can be removed for violation of the Oat of Office. When you swaer to protect our Constitutional rights.

By going against this is a clear violation of the oat of Office!!

The Federal Government Has said the 2nd Amenedment CAN NOT BE INFRIGED UPON.

In plain English this means You do not have the Authority to Change this Constitutional Law.

The people will charge you with violating the 2nd Amendment!!!!!!

HB-1902-SD-1

Submitted on: 6/21/2020 7:12:45 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I am in opposition to this bill due to it creating an issue that is not present. There is no certainty that a reduction in round count in a magazine will reduce crime as criminals tend not to care about the legality of a magazine round capacity. The term large/high capacity magazines is something that has been created as they are actually standard capacity magazines as 30 round magazines are common to be included with firearms from the manufacturer. Please uphold your oath to follow the constitution as this bill is a clear infringement on law abiding citizen's 2nd Amendment rights.

HB-1902-SD-1

Submitted on: 6/21/2020 2:27:44 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I oppose this bill on the basis that it does nothing but add yet another hinderance to us law abiding citizens, who are the vast majority of **your constituents**, the right to defend ourselves, the state, and our country. Criminals will not be affected by this law or any gun law. Whenever there is a mass shooting or some kind of tragedy involving firearms, the firearm is what is villified. If a murderer used a car to run over a mass of people would you limit all cars to 10mph? These efforts to limit, ban, and regulate firearms are not looking at the real problem, that of mental health.

Mahalo,

Brayton Ho

HB-1902-SD-1

Submitted on: 6/20/2020 1:13:19 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I stand in strong opposition to this bill, in part due to the 'high capacity' magazine ban. There is currently a challenge before the 9th Circuit court that is heavily favored to overturn such bans on magazines, including for handguns. Gun Rights groups are already ready to put in lawsuits against the state (which I shouldn't need to remind you is experiencing a budget shortfall due to Covid19 and other events) should this bill pass.

HB-1902-SD-1

Submitted on: 6/21/2020 4:13:59 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

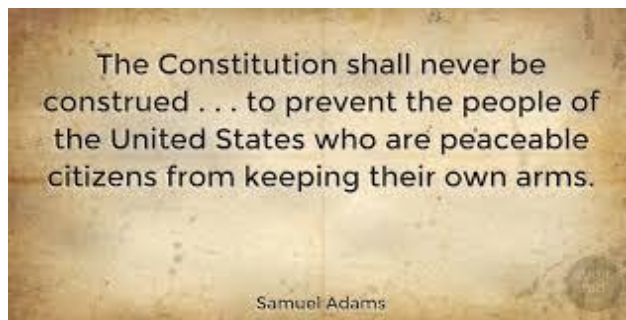
Comments:

I OPPOSE this Bill.

It denies individual citizens who are not law enforcement officials, or those who did not own magazines in excess of 10 rounds of the ability to defend themselves in their home, using the same capabilities that law enforcement officials have. Why should individual citizens have less ability to defend themselves and their household, than law enforcement officials have?

This bill does not allow those who already possess standard capacity magazines in excess of 10 rounds to replace those magazines with standard capacity ones if/when they break down.

This is an unnecessary infringement to law-abiding citizens. Any criminal determined to violate the law, will not follow these rules, anyway. there are existing laws to punish criminals.



Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Committee on Judiciary
HEARING: Thursday, June 25, 2020, at 10:00am
RE: HB1902 HD2, SD1 Relating to the Firearms
Position: **OPPOSITION**

Senators Karl Rhoads and Jarrett Keohokalole,

I reiterate my firm **opposition** to HB1902 because its content does not address mass casualty response in any substantive way. It is an artificial piece of legislation that does not proactively deter criminals from participating in violent acts against unarmed citizens. Artificially placing a quantitative restriction (such as round capacity) upon an inanimate object (such as a firearm magazine) will not reduce violence as the bill's introductory text suggests. Moreover, there are flagrant logical fallacies integrated within the bill's introduction. The text suggests that lives need to be sacrificed in order to stop a mass casualty shooter by "tackling the shooter" during a firearm reload. A logical approach would be to increase the response capabilities of law enforcement personnel trained to handle such situation—members of the public should not have to serve as sacrificial pawns.

I continue my **opposition** to HB1902 because it will adversely affect recreational target shooters that strive to sharpen their recreational skills whenever they go to a firearms range and operate their firearms in a safe and legal manner. I will also continue to reemphasize the point that the bullet capacity of a firearm magazine does not correlate to harm—the actions of the human operator dictates such situation. Any coherent individual legally permitted to operate a firearm with a high capacity magazine can shoot inanimate, recreational targets at a firing range. Such individual poses no threat to anyone whatsoever. The presentation of the speculative inquiry, "but what if they decide to use the firearm against other people?" is pure conjecture and possesses no basis upon sound reality.

Efforts to curb mass casualty events need to be addressed via different legislative mechanisms that produce actual results, such as by increasing the quantity and quality of sworn law enforcement officers.

During this global pandemic, a prudent, viable, and responsible legislative response is to focus upon assisting Hawaii's needy population with viable socioeconomic relief.

Thank you for taking the time to review this testimony.

Respectfully,

-Ryan Tinajero

HB-1902-SD-1

Submitted on: 6/21/2020 11:52:22 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

HB-1902-SD-1

Submitted on: 6/22/2020 10:00:45 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

HB1902 is unconstitutional according to ammendment 2 of the United States Constitution. Every gun law is an act of tyranny against American Citizens. This bill would do nothing to prevent any sort of violence because LAW ABIDING citizens are following the law! Outlaws don't follow the law, so it wouldn't apply to them.

Thank you for listening

HB-1902-SD-1

Submitted on: 6/22/2020 10:15:47 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Marcus Tanaka | Individual | Oppose | Yes |

Comments:

This law will not deter any criminals. Only law abiding citizens. When the Xerox shooting was done by Byron Uyesugi, the handgun magazine limit of 10rds or less was passed into law 2 years prior to his shooting. He still used standard capacity magazines that held more than 10rds of ammo for his handgun.

Also there is a pending 9th circuit court case regarding this exact issue. So to pass this law now, would be a waste of time. Look up Duncan Vs. Becerra. If this law does pass, I can guarantee there will be a lawsuit in HI and the state will have to pay for attorney fees if they lose. Tax payers will not be happy.

What this law also is doing is preventing a law abiding citizen from defending themselves if they need more than 10 rounds of ammo. What if there are no extra magazines loaded with ammo to use once the citizen exhausted the initial 10rd magazine and the bad guys keep coming or are still shooting at the victim?

This also would be unenforceable because magazines bought pre ban are not able to be tracked. So all someone has to say is they bought it before the law passed and was grandfathered in. So all this law is doing is using up resources when we could be focusing on our COVID-19 issue with the economy.

HB-1902-SD-1

Submitted on: 6/22/2020 2:13:10 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I am a retired attorney and resident of Hawaii County. One of my more treasured possessions is a .22 caliber rifle, now over 75 years old and which was originally purchased by my long-deceased father. Its "magazine" is a tube feed which, under HB1902 as currently drafted, can hold sufficient rounds as to be (just barely) unlawful under this legislation. I am very confident that there are other long guns that would get caught up by this bill, weapons which by no stretch of the imagination could be described as "high capacity."

I was taught to shoot (responsibly and safely) by my father with this lovely near-antique. I in turn taught my own children, long ago, with this same lovingly maintained rifle. I plan on leaving it to my son. If you feel you must further restrict Hawaiians' Second Amendment rights, please do so in a manner which does not inadvertently prohibit standard capacity rifles.

HB-1902-SD-1

Submitted on: 6/22/2020 2:48:13 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| hugh jones | Individual | Support | No |

Comments:

Please do not allow existing LCMs to remain in use and be passed down to future generations, as it just perpetuates the danger for mass violence and creates enforcement problems in identifying which LCMs pre-existed this bill.

Hawaii is the only state in the nation to have an assault weapons ban that fails to include assault rifles/shotguns, and large capacity magazines (over 10 rounds) for those weapons. Assault weapons and large capacity magazines are uniquely designed to be capable of mass violence. Their potential for mass murder far outweighs any plausible use for hunting, recreation or self-defense. There are reported to be thousands of large capacity magazines already in Hawaii in civilian hands; these should all be banned, as well as all future sales of large capacity magazines.

Hawai'i is once again in grief from the senseless loss of life caused by gun violence. Thoughts and prayers are not enough to combat gun violence. Action is needed. Our keiki are drilled each year on how to try to survive an active shooter situation. Legislators must do their part by enacting safer gun laws to reduce this risk, particularly from large capacity magazines and assault weapons.

1. 1994 federal Assault Weapons Ban prohibited assault weapons and high-capacity magazines, but the law expired and Congress has failed to re-enact it. Hawai'i can and should enact our own laws to ban these large capacity magazines and weapons.

The rate of public mass shootings has tripled since 2011. The US now has more mass shootings each year than there are days in the year. Hawai'i has not been immune. We should do our best to prevent another mass shooting here. The sooner **all** large capacity magazines are banned, the sooner we can start reducing th**Please do not allow existing LCMs to remain in use and be passed down to future generations, as it just perpetuates the danger for mass violence and creates enforcement problems in identifying which LCMs pre-existed this bill.**

Hawaii is the only state in the nation to have an assault weapons ban that fails to include assault rifles/shotguns, and large capacity magazines (over 10 rounds) for those weapons. Assault weapons and large capacity magazines are uniquely designed to be capable of mass violence. Their potential for mass murder far outweighs any plausible

use for hunting, recreation or self-defense. There are reported to be thousands of large capacity magazines already in Hawaii in civilian hands; these should all be banned, as well as all future sales of large capacity magazines.

Hawai'i is once again in grief from the senseless loss of life caused by gun violence. Thoughts and prayers are not enough to combat gun violence. Action is needed. Our keiki are drilled each year on how to try to survive an active shooter situation. Legislators must do their part by enacting safer gun laws to reduce this risk, particularly from large capacity magazines and assault weapons.

1. 1994 federal Assault Weapons Ban prohibited assault weapons and high-capacity magazines, but the law expired and Congress has failed to re-enact it. Hawai'i can and should enact our own laws to ban these large capacity magazines and weapons.

The rate of public mass shootings has tripled since 2011. The US now has more mass shootings each year than there are days in the year. Hawai'i has not been immune. We should do our best to prevent another mass shooting here. The sooner **all** large capacity magazines are banned, the sooner we can start reducing the needless spread of these dangerous weapons

HB-1902-SD-1

Submitted on: 6/22/2020 3:11:44 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-------------------|--------------|--------------------|--------------------|
| Deborah G. Nehmad | Individual | Support | No |

Comments:

I am writing in support of HB1902, HD2, SD1, to ban large capacity magazines (LCMs) for firearms. Please do not allow existing LCMs to remain in use and be passed down to future generations, as it just perpetuates the danger for mass violence and creates enforcement problems in identifying which LCMs pre-existed this bill.

Hawaii is the only state in the nation to have an assault weapons ban that fails to include assault rifles/shotguns, and large capacity magazines (over 10 rounds) for those weapons. Assault weapons and large capacity magazines are uniquely designed to be capable of mass violence. Their potential for mass murder far outweighs any plausible use for hunting, recreation or self-defense. There are reported to be thousands of large capacity magazines already in Hawaii in civilian hands; these should all be banned, as well as all future sales of large capacity magazines.

Hawai'i is once again in grief from the senseless loss of life caused by gun violence. Thoughts and prayers are not enough to combat gun violence. Action is needed. Our keiki are drilled each year on how to try to survive an active shooter situation. Legislators must do their part by enacting safer gun laws to reduce this risk, particularly from large capacity magazines and assault weapons.

The 1994 federal Assault Weapons Ban prohibited assault weapons and high-capacity magazines, but the law expired and Congress has failed to re-enact it. Hawai'i can and should enact our own laws to ban these large capacity magazines and weapons.

The rate of public mass shootings has tripled since 2011. The US now has more mass shootings each year than there are days in the year. Hawai'i has not been immune. We should do our best to prevent another mass shooting here. The sooner all large capacity magazines are banned, the sooner we can start reducing the needless spread of these dangerous weapons in Hawai'i.

HB-1902-SD-1

Submitted on: 6/22/2020 3:17:48 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

HB-1902-SD-1

Submitted on: 6/22/2020 3:48:44 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| I. Robert Nehmad | Individual | Support | No |

Comments:

There is no reason for anyone to have magazines with more than 10 bullets.

HB-1902-SD-1

Submitted on: 6/22/2020 4:05:47 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Yu Xian He | Individual | Oppose | No |

Comments:

I do not support this bill. This bill strongly infringes on the ability of lawful citizens to be able to defend themselves, and it is essential that we have this right during these uncertain times. This bill also give exceptions to law enforcement officers, but right now is not a good time to be taking rights away from citizens and to give power to the ones that oppress us.

HB-1902-SD-1

Submitted on: 6/22/2020 4:42:57 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

If you can't bring down a deer with one or two shots, you shouldn't have access to a firearm. Ten rounds? HB 1902 will provide legal limits to deadly firepower. Thank you for keeping our community safe.

HB-1902-SD-1

Submitted on: 6/22/2020 5:24:44 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Stop going after legal gun owners. Focus on criminals who don't register guns!

HB-1902-SD-1

Submitted on: 6/22/2020 4:59:03 PM

Testimony for JDC on 6/25/2020 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 accomplishes nothing to deter criminal behavior. It restricts law-abiding citizens from having the means to defend themselves, as criminals do not care about magazine capacity limits. It also restricts many of the various shooting sports where standard capacity magazines are required. Laws like this will only be followed by the "good" guys. We both know that, so don't waste your (our) time on this proposal. Surely, you have more important things to work on!

HB-1902-SD-1

Submitted on: 6/22/2020 5:23:42 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Instead of concentrating on fixing Hawaii's broken economy and getting us back on our feet, you in the legislature restart your gun grab.

We see in the mainland how the government utterly fail to protect and defend law abiding citizens, leaving thousands defenseless and at the mercy of the mob.

Could it happen here? Maybe, maybe not. I do not care to depend on our government to do what is right to protect my family. As it has been proven, time and time again, you fail the basic protection of lawful citizens, criminals released, economy destroyed, and safety of our children.

Of course you all are doing this behind sealed doors, and will only be allowing remote submitted testimony.

I submit in opposition to all these further infringement on our gun rights.

This is an election year, this will not be forgotten.

Thank you

HB-1902-SD-1

Submitted on: 6/22/2020 7:25:08 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

In opposition to this bill, I wish to remind the Senate Judiciary Committee that in a few months a decision will emerge from the US 9th Circuit Court in the lawsuit of Duncan V Becerra that will directly address the constiutionality of magazine capacity in relation to the Second Amendment.

With that being said, no Hawaii State legislator and no law enforcement official can provide any historical data that has shown the possession and lawful use of standard 30 round capacity semi auto rifle magazines has proven to a safety issue in the State of Hawaii.

The fact that the verbiage in this bill needs to point to distant incidents on the US Mainland indicates the desperation in which POLITICS dictates policy in Hawaii rather than an adherence to the Constitution.

Furthermore, there have been ZERO incidents as of late that even constitutes a need for such legislation and it is appaling that the Chief of Police for the County of Honolulu took it upon herself to conduct a press conference with the implication that such legislation is needed in the name of two officers who met their untimely passings while serving their community. The deaths of the officers have NOT been confirmed as a result of a semi auto rifle or a rifle or any firearm with "large capacity magazine", yet the Chief of Police for the County of Honolulu IMPLIES these laws are needed while making a reference to that tragic incident.

HB1902 is entangled in misinformation, political rhetoric, and blatant ill-will towards law abiding citizens. This measure must be deferred.

HB-1902-SD-1

Submitted on: 6/22/2020 7:33:57 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jun Look | Individual | Support | No |

Comments:

Banning Ammunitions in large capacity for all firearms is critical. Banning it for pistols is just the first step..larger weapons are more lethal and need this type of restriction too.

mahalo

HB-1902-SD-1

Submitted on: 6/22/2020 7:41:41 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-------------------|--------------|--------------------|--------------------|
| Richard Tillotson | Individual | Support | No |

Comments:

Aloha,

I am writing in support of HB1902, HD2, SD1, to ban large capacity magazines (LCMs) for firearms. **Please do not allow existing LCMs to remain in use and be passed down to future generations, as it just perpetuates the danger for mass violence and creates enforcement problems in identifying which LCMs pre-existed this bill.**

Hawaii is the only state in the nation to have an assault weapons ban that fails to include assault rifles/shotguns, and large capacity magazines (over 10 rounds) for those weapons. Assault weapons and large capacity magazines are uniquely designed to be capable of mass violence. Their potential for mass murder far outweighs any plausible use for hunting, recreation or self-defense. There are reported to be thousands of large capacity magazines already in Hawaii in civilian hands; these should all be banned, as well as all future sales of large capacity magazines.

Hawai'i is once again in grief from the senseless loss of life caused by gun violence. Thoughts and prayers are not enough to combat gun violence. Action is needed. Our keiki are drilled each year on how to try to survive an active shooter situation. Legislators must do their part by enacting safer gun laws to reduce this risk, particularly from large capacity magazines and assault weapons.

The 1994 federal Assault Weapons Ban prohibited assault weapons and high-capacity magazines, but the law expired and Congress has failed to re-enact it. Hawai'i can and should enact our own laws to ban these large capacity magazines and weapons.

The rate of public mass shootings has tripled since 2011. The US now has more mass shootings each year than there are days in the year. Hawai'i has not been immune. We should do our best to prevent another mass shooting here. The sooner **all** large capacity magazines are banned, the sooner we can start reducing the needless spread of these dangerous weapons in Hawai'i.

Thank you for your consideration and mahalo for your service.

Richard Tillotson

HB-1902-SD-1

Submitted on: 6/22/2020 7:45:09 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Catherine Johnson | Individual | Support | No |

Comments:

While I support recreational use of guns, we must counterbalance it with public safety. High magazine weapons allow shooters to perpetrate mass destruction in a matter of seconds. Limiting the capacity gives potential victims time to act in the event of an attack and possibly stay alive. https://www.washingtonpost.com/national/as-mass-shootings-rise-experts-say-high-capacity-magazines-should-be-the-focus/2019/08/18/d016fa66-bfa3-11e9-a5c6-1e74f7ec4a93_story.html

HB-1902-SD-1

Submitted on: 6/22/2020 8:48:12 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

What if you have multiple attackers attacking you? For example with the BLM riots and looting, there were many people targeting 1 person, like 10:1 and etc, or if you are a women and there are multiple men trying to rape you at one time

HB-1902-SD-1

Submitted on: 6/22/2020 8:59:30 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

This bill further restricts our constitutional rights and is a government over reach. Citizens have an innate right to defend themselves. Never before in my lifetime has this been more apparent than now. As we have seen in cities across the country, Police cannot respond to every call for service when riots and looting occur. As professional and responsible as the Honolulu Police Department is, we can not guarentee that there won't be a large scale walk out in the future, as we have seen in Atlanta. The founders saw the need for armed citizens for exactly this reason. When the government is no longer willing or able to defend its citizens, then the citizens have the right to defend themselves. By limiting the magazine capacity to 10, you will make felons out of honest, hard working Americans who have the constitutional right of self defense. Hawaii has seen a recent surge of gun violence. Robberies, murders, car jackings... all with firearms. These weapons are not legally obtained. Criminals do not abide by the law. The only thing that this bill accomplishes is making victims even more venerable.

The wording of this bill also allows for an extremely liberal interpretation of "mental illness". Any physiological disorder can be used to restrict gun ownership such as insomnia, anorexia, ADHD or other non threatening disorders.

This bill is unconstitutional and I, along with many Hawaii residents, oppose its passing.

HB-1902-SD-1

Submitted on: 6/22/2020 9:02:08 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Valerie Wayne | Individual | Support | No |

Comments:

I am writing in support of HB1902, HD2, SD1, to ban large capacity magazines (LCMs) for firearms. We cannot allow existing LCMs to remain in use and be passed down to future generations, as it perpetuates the danger for mass violence and creates enforcement problems in identifying which LCMs pre-existed this bill.

Hawaii is the only state in the nation to have an assault weapons ban that FAILS to include assault rifles/shotguns, and large capacity magazines (over 10 rounds) for those weapons. Assault weapons and large capacity magazines are uniquely designed to be capable of mass violence. Their potential for mass murder far outweighs any plausible use for hunting, recreation or self-defense. There are reported to be thousands of large capacity magazines already in Hawaii in civilian hands; these should all be banned, as well as all future sales of large capacity magazines.

Thoughts and prayers are not enough to combat gun violence. Action is needed. Our keiki are drilled each year on how to try to survive an active shooter situation. Legislators must do their part by enacting safer gun laws to reduce this risk, particularly from large capacity magazines and assault weapons.

The 1994 federal Assault Weapons Ban prohibited assault weapons and high-capacity magazines, but the law expired and Congress has failed to re-enact it. Hawai'i can and should enact our own laws to ban these large capacity magazines and weapons.

The rate of public mass shootings has tripled since 2011. The US now has more mass shootings each year than there are days in the year. Hawai'i has not been immune. We should do our best to prevent another mass shooting here. The sooner all large capacity magazines are banned, the sooner we can start reducing the needless spread of these dangerous weapons in Hawai'i.

HB-1902-SD-1

Submitted on: 6/22/2020 9:21:35 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| L.M. Holmes | Individual | Support | No |

Comments:

HB-1902-SD-1

Submitted on: 6/22/2020 9:39:55 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Aloha Chair Rhodes, Vice Chair Keohokalole, and members of Judiciary Committee,

I stand in strong opposition to this bill. Not for the reasons most people think. It is discriminatory towards those with addiction and/or mental health diagnosis.

So someone with Parkinson's disorder who can't hold a pencil without shaking can own a gun, but someone who was diagnosed as a child with a mental health issue needs to prove that they are better in order to exercise their second amendment?

I am an addict and alcoholic in recovery. Many of u know that. According to this bill, I would need a doctor to sign paperwork that I am no longer adversely affected by drugs or alcohol to own a gun. But that will never happen. As long as I stay sober, I am not adversely affected, but what doctor will sign paperwork that says that I am no longer adversely affected? Would it be true? Nope! Because if I were to ever relapse, I would be adversely affected by the drugs.

Those living with mental health challenges are much more often victims of violence than perpetrators. Singling them out is not ok. And also, police officers and other law enforcement are exempt? Have we looked at the domestic violence statistics within our police force and military?

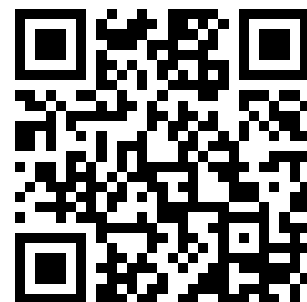
I understand the intent of this bill and I support trying to keep our community safe. Discrimination is NOT the way to do it.

This bill in its current form is discriminatory and if it passes, it will be challenged in the courts.

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National Institute of Justice

Research in Brief

by Travis, Director

March 1999
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Issues and Findings

Discussed in this Brief: This study assesses the short-term impact (1994–96) of the assault weapons ban on gun markets and gun-related violence as contained in Title XI of the Federal Violent Crime Control and Law Enforcement Act of 1994. Title XI prohibits the manufacture, sale, and possession of certain semiautomatic firearms and other semiautomatics with multiple military-style features such as detachable magazines, flash suppressors, folding rifle stocks, and threaded barrels for attaching accessories and outlaws most large capacity magazines (ammunition-loading devices) capable of holding more than 10 rounds of ammunition. Assault weapons and magazines manufactured prior to September 13, 1994, are exempt from the ban.

Issues: Although the weapons banned by this legislation were used primarily in gun crimes before the ban, supporters felt that these weapons posed a threat to public safety because they are capable of firing many shots rapidly. They argued that these characteristics increase offenders' ability to kill and injure more persons and to inflict multiple wounds on each victim, so that a decrease in their use would reduce the fatality rate of gun crimes.

The ban's impact on lethal gun violence is unclear because the period since the enabling legislation's passage created methodological difficulties for

Impacts of the 1994 Assault Weapons Ban: 1994–96

by Jeffrey A. Roth and Christopher S. Koper

On January 17, 1989, Patrick Edward Purdy, armed with an AKS rifle—a semiautomatic variant of the military AK-47—returned to his childhood elementary school in Stockton, California, and opened fire, killing 5 children and wounding 30 others. Purdy, a drifter, squeezed off more than 100 rounds in 1 minute before turning the weapon on himself.

During the 1980s and early 1990s, this tragedy and other similar acts of seemingly senseless violence, coupled with escalating turf and drug wars waged by urban gangs, sparked a national debate over whether legislation was needed to end, or at least restrict, the market for imported and domestic “assault weapons.” Beginning in 1989, a few States enacted their own assault weapons bans, but it was not until 1994 that a Federal law was enacted.

On September 13, 1994, Title XI of the Federal Violent Crime Control and Law Enforcement Act of 1994—known as the Crime Control Act of 1994—took effect. Subtitle A (the Public Safety and Recreational Firearms Use Protection Act) of the act banned the manufacture, transfer, and possession of certain semiautomatic firearms designated as assault weapons and “large capacity” ammunition maga-

zines. The legislation required the Attorney General to deliver to Congress within 30 months an evaluation of the effects of the ban. To meet this requirement, the National Institute of Justice (NIJ) funded research from October 1995 to December 1996 to evaluate the impact of Subtitle A. This Research in Brief summarizes the results of that evaluation.

A number of factors—including the fact that the banned weapons and magazines were rarely used to commit murders in this country, the limited availability of data on the weapons, other components of the Crime Control Act of 1994, and State and local initiatives implemented at the same time—posed challenges in discerning the effects of the ban. The ban appears to have had clear short-term effects on the gun market, some of which were unintended consequences: production of the banned weapons increased before the law took effect, and prices fell afterward. This suggests that the weapons became more available generally, but they must have become less accessible to criminals because there was at least a short-term decrease in criminal use of the banned weapons.

Debated in a politically charged environment, the Public Safety and Recreational Firearms Use Protection Act, as its title

continued...





National Institute of Justice

R e s e a r c h i n B r i e f

Jeremy Travis, Director

March 1999
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Issues and Findings

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Key issues: Although the weapons banned by this legislation were used only rarely in gun crimes before the ban, supporters felt that these weapons posed a threat to public safety because they are capable of firing many shots rapidly. They argued that these characteristics enhance offenders' ability to kill and wound more persons and to inflict multiple wounds on each victim, so that a decrease in their use would reduce the fatality rate of gun attacks.

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Issues and Findings

continued...

researchers. The National Institute of Justice is funding a followup study by the authors that is expected to be released in 2000. It will assess the longer term impacts of the ban and the effects of the other firearms provisions of Title XI. The long-term impacts of the ban could differ substantially from the short-term impacts.

Key findings: The authors, using a variety of national and local data sources, examined market trends—prices, production, and thefts—for the banned weapons and close substitutes before estimating potential ban effects and their consequences.

- The research shows that the ban triggered speculative price increases and ramped-up production of the banned firearms prior to the law's implementation, followed by a substantial postban drop in prices to levels of previous years.
- Criminal use of the banned guns declined, at least temporarily, after the law went into effect, which suggests that the legal stock of preban assault weapons was, at least for the short term, largely in the hands of collectors and dealers.
- Evidence suggests that the ban may have contributed to a reduction in the gun murder rate and murders of police officers by criminals armed with assault weapons.
- The ban has failed to reduce the average number of victims per gun murder incident or multiple gunshot wound victims.

Target audience: Congressional representatives and staff; State and local legislators; Federal, State, and local law enforcement officials; criminal justice practitioners and researchers; advocacy groups; State and local government officials.

suggests, attempted to balance two competing policy goals. The first was to respond to several mass shooting incidents committed with military-style and other semiautomatics equipped with magazines holding large amounts of ammunition. The second consideration was to limit the impact of the ban on recreational gun use by law-abiding owners, dealers, and manufacturers. The ban specifically prohibited only nine narrow categories of pistols, rifles, and shotguns (see exhibit 1). It also banned “features test” weapons, that is, semiautomatics with multiple features (e.g., detachable magazines, flash suppressors, folding rifle stocks, and threaded barrels for attaching silencers) that appeared useful in military and criminal applications but that were deemed unnecessary in shooting sports (see exhibit 2). The law also banned revolving cylinder shotguns (large capacity shotguns) and “large capacity magazines,” defined as ammunition-feeding devices designed to hold more than 10 rounds, far more than a hunter or competitive shooter might reasonably need (see exhibit 3).

Various provisions of the ban limited its potential effects on criminal use. As shown in exhibit 1, about half the banned makes and models were rifles, which are hard to conceal for criminal use. Imports of the five foreign rifle categories on this list had been banned in 1989. Further, the banned guns are used in only a small fraction of gun crimes; even before the ban, most of them rarely turned up in law enforcement agencies' requests to the Bureau of Alcohol, Tobacco and Firearms (BATF) to trace the sales histories of guns recovered in criminal investigations.

As a matter of equity, the law exempted “grandfathered” guns and magazines manufactured before the ban took effect. While it also banned “exact” or duplicate copies of the prohibited makes and models, the emphasis was on “exact.” Shortening a gun's barrel by a few millimeters

or “sporterizing” a rifle by removing its pistol grip and replacing it with a thumbhole in the stock, for example, was sufficient to transform a banned weapon into a legal substitute. On April 5, 1998, President Clinton signed an Executive order banning the imports of 58 foreign-made substitutes.

Gun bans and gun crime

Evidence is mixed about the effectiveness of previous gun bans. Federal restrictions enacted in 1934 on the ownership of fully automatic weapons (machine guns) appear to have been quite successful based on the rarity with which such guns are used in crime.¹ Washington, D.C.'s restrictive handgun licensing system, which went into effect in 1976, produced a drop in gun fatalities that lasted for several years after its enactment.² Yet, State and local bans on handguns have been found to be ineffective in other research.³

The inconsistency of previous findings may reflect, in part, the interplay of several effects that a ban may have on gun markets. To reduce criminal use of guns and the tragic consequences of such use, a ban must make the existing stockpile of guns less accessible to criminals (see exhibit 4) by, for example, raising their purchase prices.⁴ However, the anticipation of higher prices may encourage gun manufacturers to boost production just before the ban takes effect in the hope of generating large profits from the soon-to-be collectors' items. Immediately after the ban, criminals may find it difficult to purchase banned weapons if they remain in dealers' and speculators' storage facilities. Over the long term, however, the stockpiled weapons might begin flowing into criminals' hands, through straw purchases, thefts, or “off-the-books” sales that dealers or speculators falsely report to insurance companies and government officials as thefts.⁵

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Exhibit 1. Description of firearms banned in Title XI

| Name of firearm | Description | 1993 Blue Book price status | Preban Federal legal status | 1993 BATF trace request count | Examples of legal substitutes |
|------------------------------------|--|--|---|-------------------------------------|--|
| Avtomat Kalashnikov (AK) | Chinese, Russian, other foreign, and domestic: 0.223 or 7.62x39mm caliber, semiautomatic Kalashnikov rifle, 5-, 10-, or 30-shot magazine, may be supplied with bayonet. | \$550 (plus 10-15% for folding stock models) | Imports banned in 1989 | 87 | Norinco NHM* 90/91 |
| Uzi, Galil | Israeli: 9mm, 0.41, or 0.45 caliber semiautomatic carbine, minicarbine, or pistol. Magazine capacity of 16, 20, or 25, depending on model and type (10 or 20 on pistols). | \$550-\$1,050 (Uzi) \$875-\$1,150 (Galil) | Imports banned in 1989 | 281 Uzi; 12 Galil | Uzi Sporter** |
| Beretta AR-70 | Italian: 0.222 or 0.223 caliber, semiautomatic paramilitary design rifle, 5-, 8-, or 30-shot magazine. | \$1,050 | Imports banned in 1989 | 1 | |
| Colt AR-15 | Domestic: Primarily 0.223 caliber paramilitary rifle or carbine, 5-shot magazine, often comes with two 5-shot detachable magazines. Exact copies by DPMS, Eagle, Olympic, and others. | \$825-\$1,325 | Legal (civilian version of military M-16) | 581 Colt; 99 other manufacturers | Colt Sporter, Match H-Bar, Target; Olympic PCR Models. |
| FN/FAL, FN/LAR, FNC | Belgian design: 0.308 Winchester caliber, semiautomatic rifle or 0.223 Remington combat carbine with 30-shot magazine. Rifle comes with flash hider, 4-position fire selector on automatic models. Manufacturing discontinued in 1988. | \$1,100-\$2,500 | Imports banned in 1989 | 9 | L1A1 Sporter** (FN, Century) |
| SWD M-10 M-11, M-11/9, M-12 | Domestic: 9mm paramilitary semiautomatic pistol, fires from closed bolt, 32-shot magazine. Also available in fully automatic variation. | \$215 | Legal | 878 | Cobray PM-11, PM-12; Kimel AP-9, Mini AP-9 |
| Steyr AUG | Austrian: 0.223 Remington/5.56mm caliber, semiautomatic paramilitary design rifle. | \$2,500 | Imports banned in 1989 | 4 | |
| TEC-9 TEC DC-9, TEC-22 | Domestic: 9mm semiautomatic paramilitary design pistol, 10- or 32-shot magazine; 0.22 LR semiautomatic paramilitary design pistol, 30-shot magazine. | \$145-\$295 | Legal | 1202 Intratec; 175 Exact copies | TEC-AB |
| Revolving Cylinder Shotguns | Domestic: 12 gauge, 12-shot rotary magazine, paramilitary configuration, double action. | \$525*** | Legal | 64 SWD Street Sweepers | |

* Imports were halted in 1994 under the Federal embargo on the importation of firearms from China.

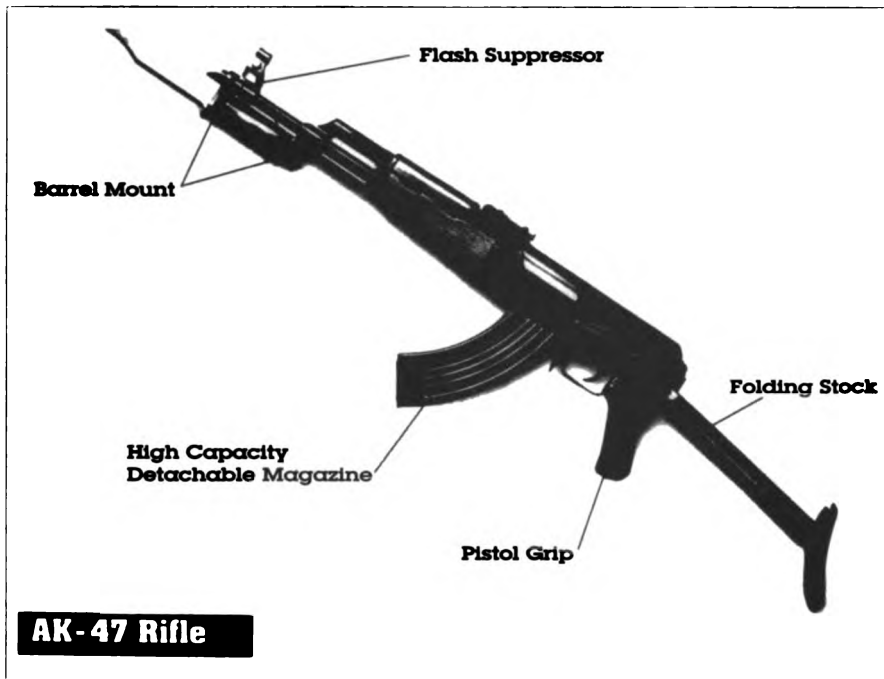
** Imports banned by Federal Executive order, April 1998.

*** Street Sweeper.

Source for firearm descriptions: Blue Book of Gun Values, 17th ed., by S.P. Fjestad, 1996.

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Exhibit 2. Features test of the assault weapons ban



AK-47 Rifle

Exhibit provided courtesy of Handgun Control, Inc.

1. Semiautomatic rifles having the ability to accept a detachable ammunition magazine and at least two of the following traits:

- A folding or telescoping stock.
- A pistol grip that protrudes beneath the firing action.
- A bayonet mount.
- A flash hider or a threaded barrel designed to accommodate one.
- A grenade launcher.

2. Semiautomatic pistols having the ability to accept a detachable ammunition magazine and at least two of the following traits:

- An ammunition magazine attaching outside the pistol grip.
- A threaded barrel capable of accepting a barrel extender, flash hider, forward handgrip, or silencer.
- A heat shroud attached to or encircling the barrel (this permits the shooter to hold the firearm with the nontrigger hand without being burned).
- A weight of more than 50 ounces unloaded.
- A semiautomatic version of a fully automatic firearm.

3. Semiautomatic shotguns having at least two of the following traits:

- A folding or telescoping stock.
- A pistol grip that protrudes beneath the firing action.
- A fixed magazine capacity of more than five rounds.
- Ability to accept a detachable ammunition magazine.

Note: A semiautomatic firearm discharges one shot for each pull of the trigger. After being fired, a semiautomatic cocks itself for refiring and loads a new round (i.e., bullet) automatically.

The timing and magnitudes of these market effects cannot be known in advance. Therefore, the study examined market trends—prices, production, and thefts—for the banned weapons and close substitutes before estimating potential ban effects on their use and the consequences of that use.

Market effects

Primary market prices of the banned guns and magazines rose by upwards of 50 percent during 1993 and 1994, while the ban was being debated in Congress. Gun distributors, dealers, and collectors speculated that the banned weapons would become expensive collectors' items. However, prices fell sharply after the ban was implemented. Exhibit 4 shows price trends for a number of firearms. Prices for banned AR-15 rifles, exact copies, and legal substitutes at least doubled in the year preceding the ban, fell to near 1992 levels once the ban took effect, and remained at those levels at least through mid-1996. Similarly, prices of banned SWD semiautomatic pistols rose by about 47 percent during the year preceding the ban but fell by about 20 percent the following year. For comparison, exhibit 4 shows that the prices of unbanned Davis and Lorcin semiautomatic pistols (among the crime guns police seize most frequently) remained virtually constant over the entire period.⁶

Fueled by the preban speculative price boom, production of assault weapons surged in the months leading up to the ban. Data limitations preclude precise and comprehensive counts. However, estimates based on BATF gun production data suggest that the annual production of five categories of assault weapons—AR-15s, models by Intratec, SWD, AA Arms, and Calico—and legal substitutes rose by more than 120

percent, from an estimated average of 91,000 guns annually between 1989 and 1993 to about 204,000 in 1994—more than 1 year’s extra supply (see exhibit 5). In contrast, production of unbanned Lorcin and Davis pistols fell by about 35 percent, from an average of 283,000 annually between 1989 and 1993 to 184,000 in 1994.

These trends suggest that the preban price and production increases reflected speculation that grandfathered weapons and magazines in the banned categories would become profitable collectors’ items after the ban took effect. Instead, assault weapons prices fell sharply within months after the ban was in place, apparently under the combined weight of preban overproduction of grandfathered guns and the introduction of new legal substitute guns at that time.

These findings resemble what happened in 1989, when imports of several models of assault rifles surged prior to the implementation of a Federal ban.⁷ Shortly thereafter, while California debated its own ban, criminal use of assault weapons declined,⁸ suggesting that higher prices and speculative stockpiling made the guns less accessible to criminal users.⁹

It was plausible that the price and production trends related to the 1994 ban would be followed by an increase in reported thefts of assault weapons, for at least two reasons. First, if short-term price increases in primary markets temporarily kept assault weapons from entering illegal sales channels, criminals might be tempted to steal them instead. In addition, dealers and collectors who paid high speculative prices for grandfathered assault weapons around the time of the ban, but then watched as their investment depreciated after the ban took effect, might be inclined to

Exhibit 3. Logic model for Public Safety and Recreational Firearms Use Protection Act impact study

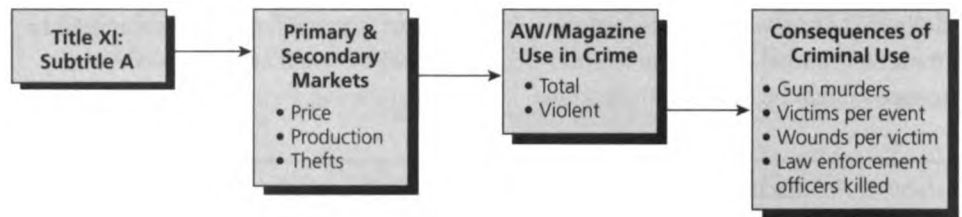
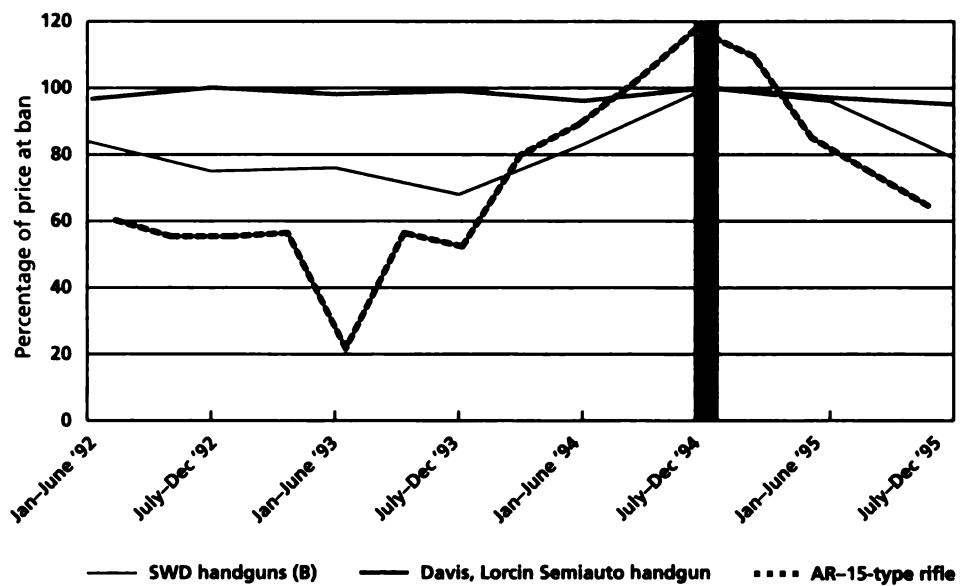


Exhibit 4. Comparison of price trends for banned and unbanned weapons



Data were collected from display ads in randomly selected issues of the nationally distributed periodical *Shotgun News*. Price indices are adjusted for the mix of products and distributors advertised during each time period. SWD, Davis, and Lorcin handgun data are reported semiannually.

sell the guns to ineligible purchasers and then falsely report them as stolen to insurance companies and regulatory agencies.¹⁰

By the spring of 1996, however, there had been no such increase. Instead, thefts of assault weapons declined about 14 percent as a fraction of all thefts of semiautomatics.¹¹ Therefore, it appears that, at least in the short term, the grandfathered assault weapons re-

mained largely in dealers’ and collectors’ inventories instead of leaking into the secondary markets through which criminals tend to obtain guns.

Criminal use of assault weapons

Because crime guns tend to be newly purchased guns,¹² it was hypothesized that speculative price increases would tend to channel the flow of banned

weapons from criminal purchasers to law-abiding speculators, thereby potentially decreasing their use in criminal activities. (See "Study Design and Method.") However, the potential decrease in criminal uses of the banned weapons might be offset by the produc-

tion increase and the postban fall in prices. To estimate the net effect on criminal use, the researchers measured criminal use of assault weapons using data on gun trace requests submitted by law enforcement agencies to BATF, whose tracing data provide the only

available national sample of the types of guns used in crime.¹³ These data are limited because police agencies do not submit a trace request on every gun they confiscate. Many agencies submit very few requests to BATF, particularly in States that maintain gun sales databases (such as California). Therefore, tracing data are a biased sample of guns recovered by police. Prior studies suggest that assault weapons are more likely to be submitted for tracing than are other confiscated firearms.¹⁴

Exhibit 5. Production trends estimates for banned assault weapons and comparison guns*

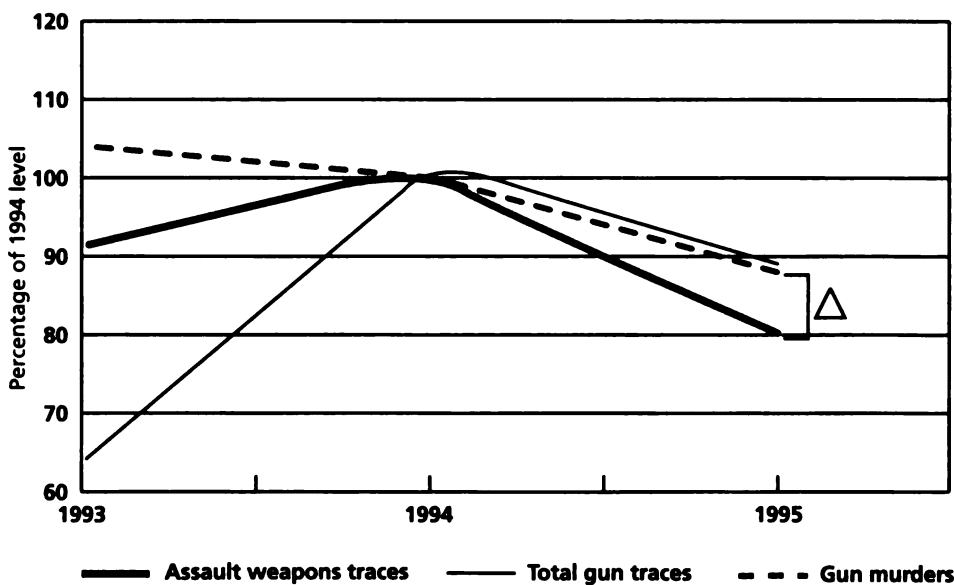
| Firearm type | (1) 1994 production | (2) 1989-93 average production | (3) Ratio [(1)/(2)] | (4) "Excess" production [(1)-(2)] |
|--------------------------------|---------------------------|---|---------------------------|--|
| AR-15 group | 66,042 | 38,511 | 1.714 | 27,531 |
| Intratec 9mm, 22 | 102,682 | 33,578 | 3.058 | 69,104 |
| SWD family (all) and MAC (all) | 14,380 | 10,508 | 1.368 | 3,872 |
| AA Arms | 17,280 | 6,561 | 2.633 | 10,719 |
| Calico 9mm, 22 | 3,194 | 1,979 | 1.613 | 1,215 |
| Lorcin and Davis | 184,139 | 282,603 | 0.652 | |
| Assault weapon total** | 203,578 | 91,137 | 2.233 | 112,441 |

As shown in exhibit 6, law enforcement agency requests for BATF assault weapons traces in the 1993-95 period declined 20 percent in the first calendar year after the ban took effect, dropping from 4,077 in 1994 to 3,268 in 1995. Some of this decrease may reflect an overall decrease in gun crimes; total trace requests dropped 11 percent from 1994 to 1995, and gun murders declined 10 percent over the same period. Nevertheless, these trends suggest a 9- to 10-percent additional decrease (labeled with a triangle in exhibit 6) due to substitution of other guns for the banned assault weapons in 1995 gun crimes.¹⁵

* Estimates are based on figures provided by gun manufacturers to BATF and compiled and disseminated annually by the Violence Policy Center.

** Assault weapon total excludes Lorcin/Davis group.

Exhibit 6. Relative changes in total and assault weapons traces



1994=100

In contrast, assault weapons trace requests from States with their own assault weapons bans declined by only an estimated 6 to 8 percent in 1995—further evidence that the national trends reflect effects of the Federal ban. There were fewer assault weapons traces in 1995 than in 1993 (3,748), suggesting that the national decrease was not the result of a surge of assault weapons tracing around the effective date of the ban.¹⁶

These national findings were supported by analyses of trends in assault weapons recovered in crimes in St. Louis and Boston, two cities that did not have preexisting State assault weapons bans in place. Although

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Study design and method

Subtitle A of Title XI banned the manufacture, transfer, and possession of assault weapons and large capacity magazines. Researchers hypothesized that the ban would:

- Produce direct effects in the primary markets for these weapons.
- Reduce, through related indirect effects in the secondary markets, the use of these weapons in criminal activities.
- Reduce the consequences of criminal gun use as measured by gun homicides and, especially, incidents of multiple victims, multiple wounds, and killings of law enforcement officers.

Because the measures of available data on these effects varied widely, the research team decided to conduct several small studies with different error sources and integrate the findings. The strategy was to test whether the assault weapons and magazine bans interrupted these trends over time. Researchers employed various types of time series and multiple regression analyses, simple before-and-after comparisons, and graphical displays.

The analysis of market impacts included:

- Pricing trends in the primary markets for banned semiautomatic weapons, comparable legal firearms, and large capacity magazines using 1992–96 national distributors' price lists.

assault weapons recoveries were rare in those cities both before and after the ban, they declined 29 and 24 percent, respectively, as a share of all gun recoveries during late 1995 and into 1996. Because these cities' trends reflect all guns recovered in crime, they are not subject to the potential biases of trace request data.

- Comparison of gun production data through 1994, the latest available year.
- Comparison and time series analyses of "leakage" of guns to illegal markets as measured by guns reported stolen to the Federal Bureau of Investigation/National Crime Information Center between 1992 and 1996.

The analysis of assault weapon use included:

- Analysis of requests for BATF traces of assault weapons (1992–96) recovered in crime investigations, both in absolute terms and as a percentage of all requests.
- Preban and postban comparisons and analyses of gun counts recovered in crime investigations by selected local law enforcement agencies.

The analyses of the consequences of using assault weapons and semiautomatics with large capacity magazines in criminal activities included:

- Examination of State time series data on gun murders with controls for the potential influence of legal, demographic, and economic variables of criminological importance.
- Comparisons and time series analyses of trends between 1980 and 1995 in victims per gun homicide incidents as

measured nationally from Supplementary Homicide Reports.

- Descriptive analysis of the use of assault weapons in mass murders in the United States from 1992 to 1996.
- Comparison of data gathered between 1992 and 1996 from medical examiners, one hospital emergency department, and one police department in selected cities regarding the number of wounds per gunshot victim.
- Analysis of 1992–96 data of law enforcement officers killed in action with assault weapons.

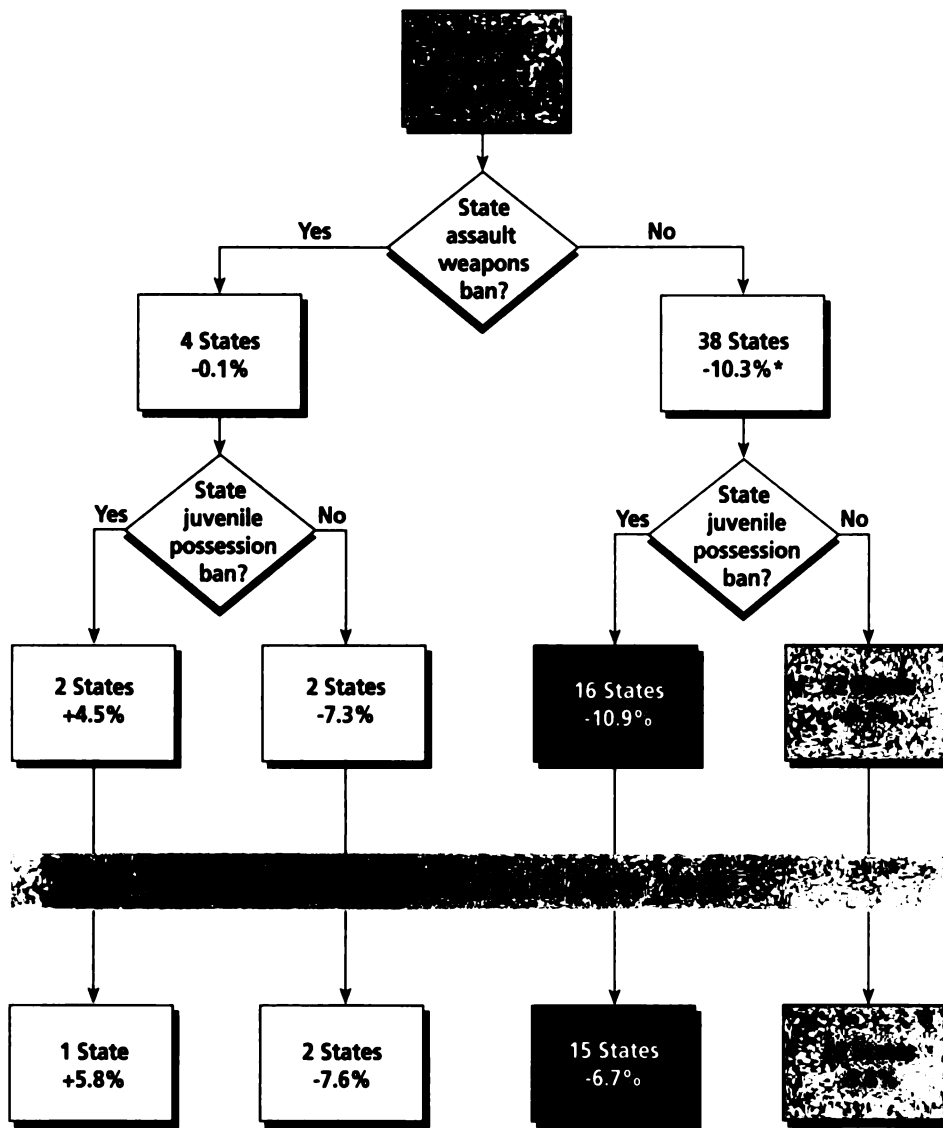
For comparison purposes, researchers examined trends of types of guns and magazines that were affected differently by the ban. Few available databases relate the consequences of assault weapon use to the make and model of the weapon, so most of the analyses of consequences are based on treatment and comparison jurisdictions defined by the legal environments in which the incident occurred. For instance, California, Connecticut, Hawaii, and New Jersey had banned assault weapons before 1994. Although interstate traffickers can circumvent State bans, researchers hypothesized that the existence of these State-level bans reduced the impact of the Federal ban in those respective jurisdictions.

short period of time, thereby increasing the expected number of injuries and deaths per criminal use. The study examined trends in the following consequences of gun use: gun murders, victims per gun homicide incident, wounds per gunshot victim, and, to a lesser extent, gun murders of police.

Consequences of assault weapons use

A central argument for special regulation of assault weapons and large capacity magazines is that they facilitate the rapid firing of high numbers of shots, which allows offenders to inflict more wounds on more persons in a

Exhibit 7. Estimated 1994-95 ban effects on total gun murder rate



* Statistically significant at 10-percent level.

There were several reasons to expect, at best, a modest ban effect on criminal gun injuries and deaths. First, studies before the ban generally found that between less than 1 and 8 percent of gun crimes involved assault weapons, depending on the specific definition and data source used.¹⁷ Although limited evidence suggests that semiautomatics equipped with large capacity

magazines are used in 20 to 25 percent of these gun crimes, it is not clear how often large capacity magazines actually turn a gun attack into a gun murder.¹⁸ Second, offenders could replace the banned guns with legal substitutes or other unbanned semiautomatic weapons to commit their crimes. Third, the schedule for this study set out in the legislation limited

the power of the statistical analyses to detect worthwhile ban effects that may have occurred. Given the limited use of the banned guns and magazines in gun crimes, even the maximum theoretically achievable preventive effect of the ban on outcomes such as the gun murder rate is almost certainly too small to detect statistically because the congressionally mandated timeframe for the study effectively limited postban data collection to, at most, 24 months (and only 1 calendar year for annual data series).

Nevertheless, to estimate the first-year ban effect on gun murders, the analysis compared actual 1995 State gun murder rates with the rates that would have been expected in the absence of the assault weapons ban. Data from 1980 to 1995 of 42 States with adequate annual murder statistics (as reported to the Federal Bureau of Investigation) were used to project 1995 gun murder rates adjusted for ongoing trends and demographic and economic changes. Tests were run to determine whether the deviation from the projection could be explained by various policy interventions other than the assault weapons ban.

Exhibit 7 displays the steps in that analysis. Overall, 1995 gun murder rates were 9 percent lower than the projection.¹⁹ Gun murders declined 10.3 percent in States without preexisting assault weapons bans, but they remained unchanged in States with their own bans. After adjusting the projection for possible effects of State bans on juvenile handgun possession and a similar Federal ban that took effect simultaneously with the assault weapons ban, the study found that 1995 gun murder rates were 10.9 percent below the projected level. Finally, statistical controls were added for

postban drops in California and New York to avoid confounding possible effects of the assault weapons ban, California's "three strikes" law, and New York City's "quality of life" policing. Still, 1995 murder rates in the 15 remaining States with juvenile handgun possession bans but no assault weapons ban were 6.7 percent below the projection—a difference that could not be explained in terms of murder trends, demographic and economic changes, the Federal juvenile handgun possession ban, or the California and New York initiatives.

Random, year-to-year fluctuations could not be ruled out as an explanation of the 6.7-percent drop. With only 1 year of postban data available and only 15 States meeting the screening criteria for the final estimate, the model lacks the statistical power to detect a preventive effect of even 20 percent under conventional standards of statistical reliability.²⁰ Although it is highly improbable that the assault weapons ban produced an effect this large, the ban could have reduced murders by an amount that would escape statistical detection.

However, other analyses using a variety of national and local data sources found no clear ban effects on certain types of murders that were thought to be more closely associated with the rapid-fire features of assault weapons and other semiautomatics equipped with large capacity magazines. The ban did not produce declines in the average number of victims per incident of gun murder or gun murder victims with multiple wounds.

Murders of police by offenders armed with assault weapons declined from an estimated 16 percent of gun murders of police in 1994 and early 1995 to 0 percent in the latter half of 1995 and early 1996. However, such incidents are suf-

ficiently rare that the available data do not permit a reliable assessment of whether this contributed to a general reduction in gun murders of police.

Implications and research recommendations

It appears that the assault weapons ban had clear short-term effects on the gun market, some of which were unintended consequences: production of the banned weapons increased before the law took effect and prices fell afterward. These effects suggest that the weapons became more available generally, but they must have become less accessible to criminals because there was at least a short-term decrease in criminal use of the banned weapons. Evidently, the excess stock of grandfathered assault weapons manufactured prior to the ban is, at least for now, largely in the hands of dealers and collectors. The ban's short-term impact on gun violence has been uncertain, due perhaps to the continuing availability of grandfathered assault weapons, close substitute guns and large capacity magazines, and the relative rarity with which the banned weapons were used in gun violence even before the ban.

To provide a more current and detailed understanding of the assault weapons ban and gun markets generally, we recommend a variety of further steps:

- **Update the impact analysis.** This study was conducted with data collected within 24 months of the ban's passage; a number of the analyses were conducted with only 1 calendar year of postban data. This limited timeframe weakens the ability of statistical tests to discern impacts that may be meaningful from a policy perspective. Also, because the ban's effects on gun markets and gun violence are still unfolding,

the long-term consequences may differ substantially from the short-term consequences reported here. (A followup study of longer term impacts of the ban and the effects of other provisions of Title XI is underway and is expected to be released in 2000.)

- **Develop new gun market data sources and improve existing ones.** For example, NIJ and BATF should consider cooperating to establish and maintain time series data on primary and secondary market prices and production of assault weapons, legal substitutes, other guns commonly used in crime, and the respective large and small capacity magazines. Like similar statistical series currently maintained for illegal drugs, such a price and production series would be a valuable instrument for monitoring effects of policy changes and other influences on markets for weapons that are commonly used in crime.
- **Examine potential substitution effects.** A key remaining question is whether offenders who preferred the banned assault weapons have switched to the new legal substitute models or to other legal guns, such as semiautomatic handguns that accept large capacity magazines.
- **Study criminal use of large capacity magazines.** The lack of knowledge about trends in the criminal use of large capacity magazines is especially salient for three reasons. The large capacity magazine is perhaps the most functionally important distinguishing feature of assault weapons. The magazine ban also affected more gun models and gun crimes than did the bans on designated firearms. Finally, recent anecdotal evidence suggests that new and remanufactured preban,



high-capacity magazines are beginning to reappear in the market for use with legal semiautomatic pistols.

- **Improve the recording of magazines recovered with crime guns.** To better understand the role large capacity magazines play in gun crimes, BATF and State and local law enforcement agencies should encourage efforts to record the magazines with which confiscated firearms are equipped—information that frequently goes unrecorded under current practice. Further studies are needed on trends in the criminal use of guns equipped with large capacity magazines.
- **Conduct indepth, incident-based research on the situational dynamics of fatal and nonfatal gun assaults.** Despite the rhetoric that characterizes firearms policy debates, there are still questions regarding the impacts that weaponry, actor, and situational characteristics have on the outcomes of gun attacks. Therefore, research is needed to gain a greater understanding of the roles of banned and other weapons in intentional deaths and injuries. In what percentage of gun attacks, for instance, does the ability to fire more than 10 rounds without reloading influence the number of gunshot wound victims or determine the difference between a fatal and nonfatal attack? The study yielded some weak evidence that victims killed by guns having large capacity magazines (including assault weapons) tend to suffer more bullet wounds than victims killed with other firearms and that mass murders with assault weapons tend to involve more victims than those with other firearms. However, research results were based on

simple comparisons; much more comprehensive research that takes into account important characteristics of the actors and situations should be pursued. Future research on the dynamics of criminal shootings, including various measures of the number of shots fired, wounds inflicted, and victims killed or wounded, would improve estimates of the potential effects of the assault weapons and magazine ban, while yielding useful information on violent gun crime generally.

Future directions

Gun control policies, and especially gun bans, are highly controversial crime control measures, and the debates tend to be dominated by anecdotes and emotion rather than empirical findings. In the course of this study, the researchers attempted to develop a logical framework for evaluating gun policies, one that considers the workings of gun markets and the variety of outcomes such policies may have. The findings suggest that the relatively modest gun control measures that are politically feasible in this country may affect gun markets in ways that at least temporarily reduce criminals' access to the regulated guns, with little impact on law-abiding gun owners.

The public safety benefits of the 1994 ban have not yet been demonstrated. This suggests that existing regulations should be complemented by further tests of enforcement tactics that focus on the tiny minorities of gun dealers and owners who are linked to gun violence. These include strategic targeting of problem gun dealers,²¹ crackdowns on "hot spots" for gun crime,²² and strategic crackdowns on perpetrators of gun violence,²³ followed by comprehensive efforts to involve communities in maintaining the safety that these tactics achieve.²⁴ These techniques

are still being refined, and none will ever stop all gun violence. However, with dispassionate analyses of their effects and a willingness to modify tactics in response to evidence, these approaches may well prove more immediately effective, and certainly less controversial, than regulatory approaches alone.

Notes

1. Kleck, Gary, *Point Blank: Guns and Violence in America*, New York: Aldine De Gruyter, 1991.
2. Loftin, Colin, David McDowall, Brian Wiersema, and Talbert J. Cottey, "Effects of Restrictive Licensing of Handguns on Homicide and Suicide in the District of Columbia," *New England Journal of Medicine*, 325: 1625–1630.
3. Kleck, *Point Blank: Guns and Violence in America*.
4. The ban exempted assault weapons manufactured before the effective date of the law. Because significant deterioration or loss of those guns occurs only over decades, any immediate ban effects would have to reflect scarcity of assault weapons to criminal purchasers, rather than a dwindling of the stockpile.
5. A number of researchers and journalists have commented on the weak state of Federal firearms licensees (FFLs) regulation, particularly before 1994 when Title XI strengthened the screening process for obtaining and renewing licenses. Empirical evidence suggests that a small minority of gun dealers supply many of the guns used by criminals. Analysis of Bureau of Alcohol, Tobacco and Firearms tracing data by Glenn Pierce and his colleagues in 1995 showed that while 92 percent of FFLs had no confiscated guns traced back to them, 0.4 percent of the dealers were linked to nearly 50 percent of the traced weapons. Although some of this concentration could simply reflect the proximity of some large law-abiding dealers to high-crime areas, evidence suggests that illegal practices by some dealers contribute to this concentration. See Wachtel, Julius, "Sources of Crime Guns in Los Angeles, California," *Policing: An International Journal of Police Strategies and Management*, 21(2) (1998): 220–239; Larson, Erik, *Lethal Passage: The Story of a Gun*, New York: Vintage Books, 1995; Pierce, Glenn L., LeBaron Briggs, and David A.

Carlson, *The Identification of Patterns in Firearms Trafficking: Implications for Focused Enforcement Strategy*, Washington, D.C.: U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1995; and Violence Policy Center, *More Gun Dealers Than Gas Stations: A Study of Federally Licensed Firearms Dealers in America*, Washington, D.C.: Violence Policy Center, 1992.

6. Like assault weapons prices, large capacity magazine prices generally doubled in the year preceding the ban. However, trends diverged after the ban, depending on the gun for which the magazine was made. See Chapter 4 in Roth, Jeffrey A., and Christopher S. Koper, *Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994*, Washington, D.C.: The Urban Institute, 1997.

7. American Medical Association Council on Scientific Affairs, "Assault Weapons as a Public Health Hazard in the United States," *Journal of the American Medical Association*, 267 (1992): 3067-3070.

8. Mathews, J., "Unholstering the Gun Ban," *The Washington Post*, December 31, 1989.

9. Cook, Philip J., and James A. Leitzel, "'Perversity, Futility, Jeopardy': An Economic Analysis of the Attack on Gun Control," *Law and Contemporary Problems*, 59 (1996): 91-118.

10. Since enactment of the Gun Control Act of 1968, FFLs are required to retain records of all gun sales and a running log of their gun acquisitions and dispositions. Federal law has various regulations governing sales by FFLs, including the requirement that FFLs have potential gun purchasers sign statements that they are not legally ineligible to purchase firearms. The 1993 Brady Act further requires FFLs to obtain photo identification of potential handgun purchasers, notify the chief local law enforcement officer of each application for a handgun purchase, and wait 5 business days before completing the sale, during which time the chief law enforcement officer may check the applicant's eligibility.

FFLs who sell guns without following these requirements may, if inspected by BATF, try to cover up their illegal sales by claiming that the guns were lost or stolen. To help prevent such practices, Subtitle C of Title XI requires FFLs to report all stolen and lost firearms to BATF and local authorities within 48 hours.

Gun transfers made by nonlicensed citizens do not require such recordkeeping. In some instances, however, gun owners who knowingly transfer guns to ineligible purchasers may choose to falsely report the guns as stolen to prevent themselves from being linked to any crimes committed with the guns.

11. This finding is a revision of results reported in Chapter 4 of Roth and Koper, *Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994*.

12. Zimring, Franklin E., "Street Crime and New Guns: Some Implications for Firearms Control," *Journal of Criminal Justice*, 4 (1976): 95-107.

13. A gun trace usually tracks a gun to its first point of sale by a licensed dealer. Upon request, BATF traces guns suspected of being used in crime as a service to Federal, State, and local law enforcement agencies.

14. For additional discussions of the limits of tracing data, see Chapter 5 in Roth and Koper, *Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994*; Zawitz, Marianne W., *Guns Used in Crime*, Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 1995; and Kleck, Gary, *Targeting Guns: Firearms and Their Control*, New York: Aldine De Gruyter, 1997.

15. Percentage decreases in assault weapon traces related to violent and drug crimes were similar to or greater than those for total assault weapons, although these categories were quite small in number. Separate analyses were conducted for all assault weapons and for a select group of domestically produced assault weapons that were still in production when the ban went into effect. Both analyses showed the same drop in overall trace requests. See Chapter 5 in Roth and Koper, *Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994*.

16. In general, our analysis of assault weapons use did not include legal substitute versions of the banned weapons. However, lack of precision in the data sources could have resulted in some of these weapons being counted as postban traces or recoveries of assault weapons.

17. For example, see Beck, Allen, Darrell Gilliard, Lawrence Greenfeld, Caroline Harlow, Thomas Hester, Louis Jankowski, Tracy Snell, James Stephan, and Danielle Morton, *Survey of State Prison Inmates, 1991*, Washington, D.C.:

U.S. Department of Justice, Bureau of Justice Statistics, 1993; Hargarten, Stephen W., Trudy A. Karlson, Mallory O'Brien, Jerry Hancock, and Edward Quebbeman, "Characteristics of Firearms Involved in Fatalities," *Journal of the American Medical Association*, 275 (1996): 42-45; Hutson, H. Range, Deirdre Anglin, and Michael J. Pratts, Jr., "Adolescents and Children Injured or Killed in Drive-by Shootings in Los Angeles," *The New England Journal of Medicine*, 330 (1994): 324-327; Kleck, Gary, *Targeting Guns: Firearms and Their Control*, New York: Aldine De Gruyter 1997; Cox Newspapers, *Firepower: Assault Weapons in America*, Washington, D.C.: Cox Newspapers, 1989; McGonigal, Michael D., John Cole, C. William Schwab, Donald R. Kauder, Michael F. Rotondo, and Peter B. Angood, "Urban Firearm Deaths: A Five-Year Perspective," *The Journal of Trauma*, 35 (1993): 532-536; New York State Division of Criminal Justice Services, *Assault Weapons and Homicide in New York City*, Albany, New York: New York State Division of Criminal Justice Services, 1994; Zawitz, Marianne W., *Guns Used in Crime*; also see review in Koper, Christopher S., *Gun Lethality and Homicide: Gun Types Used by Criminals and the Lethality of Gun Violence in Kansas City, Missouri, 1985-1993*, Ann Arbor, Michigan: University Microfilms, Inc., 1995.

18. See Chapter 6 in Roth and Koper, *Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994*; and New York State Division of Criminal Justice Services, *Assault Weapons and Homicide in New York City*.

19. In addition to the variables discussed in the text, the models included an indicator variable for each State, a polynomial time trend for the national gun homicide trend, and annual State-level controls for per capita income, employment rates, and age structure of the population.

20. By conventional standards, we mean statistical power of 0.8 to detect a change, with 0.05 probability of a Type I error.

21. Pierce et al., *The Identification of Patterns in Firearms Trafficking: Implications for Focused Enforcement Strategy*.

22. Sherman, Lawrence W., James W. Shaw, and Dennis P. Rogan, *The Kansas City Gun Experiment*, Research in Brief, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 1995, NCJ 150855

Kennedy, David, Anne M. Piehl, and
 Anthony A. Braga, "Youth Violence in Boston:
 Gun Markets, Serious Youth Offenders, and
 Use-Reduction Strategy," *Law and
 Contemporary Problems*, 59 (1996): 147-196.

24. Kelling, G.L., M.R. Hochberg, S.K.
 Costello, A.M. Rocheleau, D.P. Rosenbaum,
 J.A. Roth, and W.G. Skogan, *The Bureau of
 Justice Assistance Comprehensive Communities
 Program: A Preliminary Report*, Cambridge,
 Massachusetts: Botec Analysis (forthcoming).

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Jeffrey A. Roth, Ph.D., is a principal research associate at the State Policy
 Center of The Urban Institute, and Christopher S. Koper, Ph.D., is a research
 associate at the State Policy Center of The Urban Institute. The views ex-
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HB-1902-SD-1

Submitted on: 6/22/2020 9:55:57 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I STRONGLY OPPOSE this bill as it violates the rights of Law Abiding Citizens.

Stronger sentencing for violence using a high capacity magazine should be implemented to deter criminals from using a firearm during a crime.

Criminals do not follow the laws.

HB-1902-SD-1

Submitted on: 6/23/2020 4:33:10 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------------|---------------------|---------------------------|---------------------------|
| Joseph Ellwood Aiwohi | Individual | Comments | No |

Comments:

Good Morning,

Our citizens are getting shot/killed regularly here in our state by criminals and they have no laws. Why do tax paying, law abiding citizens have to face restrictions and criminals do not. Do all these criminals have gun permits and gun capacity restrictions.....NO. It's time to make our law abiding citizens safe and allow authorized citizens to carry firearms. Or bring the death penalty for anyone convicted of unauthorized use of a firearm. We should know, that majority of all crimes are committed by a small group of our residents. If they are locked up or ?, I guarantee crime will go down.

Remember, we all have rights, not only the criminals.

Mahalo

HB-1902-SD-1

Submitted on: 6/23/2020 5:40:50 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Thank you for taking the time to review my testimony. I am concerned with how HB1902 will turn me, a law abiding citizen and contributing member of my community, into either a felon overnight or significantly limit the ability to defend my family and myself in the event of a home invasion. With home invasions on the rise in the state and Honolulu county, I feel that this bill and those like it will only embolden criminals, especially with how under staffed HPD and the procesutors office are. With statements from the Chief of Police stating that HPD will not investigate certain crimes due to staffing issues, and the current catch and release system being utilized by the judicial system, those that choose to break the law don't feel like there will be repercussions for their actions. This bill will leave my family, my community, and myself in a more vulnerable position and with a significantly decreased ability to defend ourselves. HPD and sheriff's deputies carry pistols with a 17 round capacity and are allowed to carry their firearms while at work and off work. While they are not necessarily looking to use their weapon during the course of their work, the possibility is always there and as a result they are usually at a more heightened state in a position to react if necessary. That is the complete opposite state of mind that a citizen is in at their home whether they are awake or asleep. During officer involved shootings, officers nation wide hit their intended targets on average 34% of the time. Many departments find that it is justifiable for officers to use 10-12 rounds to eliminate a threat, oftentimes with multiple officers discharging their weapons. This bill is in essence requiring myself or my wife, to wake up from a dead sleep, recognize a threat, be able to access a means of defense in time, and possibly use 10 rounds with the hope that she comes close to the average hit rate of police nationwide. Because the alternative is that my family is either murdered, maimed, kidnapped, or raped; or become a felony by using an over 10 round magazine to increase the odds of protecting ourselves. I'm not sure when Hawaii became the land of opportunity for criminals, but I have hope that it can still be turned around. Whether its Hawaii, California, or Illinois; the results have shown that there are extremely few laws that prevent criminals from obtaining firearms. This law and the others like it will not prevent criminals from obtaining and using them, and only serve to reduce the safety of law abiding citizens. I hope that you will do what it takes to make sure that this bill fails so that you may concentrate your efforts on finding actual solutions that will reduce crime and make our citizens safer. I am always available to answer questions or to offer assistance in finding ways to reduce crime; just like I am always available to donate my time and money towards lawsuits that I feel make my family and community safer. Thank you again for your time

Phil Wilson

HB-1902-SD-1

Submitted on: 6/23/2020 6:26:45 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Please vote no on this bill.

several components will negatively affect the innocent and help those who intend to harm. It's well-known that our strict gun laws have not prevented criminals from attaining guns illegally, so the magazine ban will have the same effect of only banning those who use guns within the law.

For self-defense, the victims are usually already at a disadvantage of being surprised and this bill would limit their capacity for self-defense.

Mental disorders are common among minors, particularly depression. Punishing a person who has been diagnosed with a mental disorder who is a generally capable individual will disincentivize seeking mental health treatment and prevent innocent persons from using their guns legally based on a stigmatized diagnosis and without assessment of a medical professional's opinion for that person.

HB-1902-SD-1

Submitted on: 6/23/2020 7:29:47 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

This legislation will do nothing to stop crime and only result in the making of felons out of otherwise lawful gun owners. California tried this and their legislation is being appealed as we speak. Please leave lawful gun owners alone.

HB-1902-SD-1

Submitted on: 6/23/2020 7:06:03 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Hello,

As a resident and very recent firearms owner, I feel that a ban on higher capacity magazines does not make sense. Especially in times where things are so uncertain on the mainland. Having recently gone through the process to obtain a firearm, I can say that the process is enough to keep them out of the hands of people who should not have them. So why limit the magazine size down?

Thank you for your time, Matt

HB-1902-SD-1

Submitted on: 6/23/2020 8:46:21 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I strongly oppose this bill.

HB-1902-SD-1

Submitted on: 6/23/2020 7:56:08 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-------------------|--------------|--------------------|--------------------|
| Coralie Matayoshi | Individual | Support | No |

Comments:

As someone who has had first-hand experience in preparing for mass casualty disasters, I am writing in strong support of HB1902, HD2, SD, to ban large capacity magazines (LCMs) for firearms.

Please do not allow existing LCMs to remain in use and be passed down to future generations, as it just perpetuates the danger for mass violence and creates enforcement problems in identifying which LCMs pre-existed this bill.

Hawaii is the only state in the nation to have an assault weapons ban that fails to include assault rifles/shotguns, and large capacity magazines (over 10 rounds) for those weapons. Assault weapons and large capacity magazines are uniquely designed to be capable of mass violence. Their potential for mass murder far outweighs any plausible use for hunting, recreation or self-defense. There are reported to be thousands of large capacity magazines already in Hawaii in civilian hands; these should all be banned, as well as all future sales of large capacity magazines.

Hawai'i is once again in grief from the senseless loss of life caused by gun violence. Thoughts and prayers are not enough to combat gun violence. Action is needed. Our keiki are drilled each year on how to try to survive an active shooter situation. Legislators must do their part by enacting safer gun laws to reduce this risk, particularly from large capacity magazines and assault weapons.

The 1994 federal Assault Weapons Ban prohibited assault weapons and high-capacity magazines, but the law expired and Congress has failed to re-enact it. Hawai'i can and should enact our own laws to ban these large capacity magazines and weapons.

The rate of public mass shootings has tripled since 2011. The US now has more mass shootings each year than there are days in the year. Hawai'i has not been immune. We should do our best to prevent another mass shooting here. The sooner **all** large capacity magazines are banned, the sooner we can start reducing the needless spread of these dangerous weapons in Hawai'i.

As an island state, Hawaii has a unique opportunity to proactively curb the chances of further mass shootings. Please don't wait until it's too late.

HB-1902-SD-1

Submitted on: 6/23/2020 8:59:46 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I strongly oppose this measure. This measure should not be approved until public hearings can be made available for discussion.

**Testimony in Opposition to HB1902 Related to Firearms
Submitted June 23, 2020**

I request the Hawaii State Legislature consider my opposition to **HB1902**, on the grounds that the bill diminishes the ability of legal gun owners to defend themselves in a home invasion scenario.

There can be no expectation that law-breaking criminals will obey any of the newly proposed gun control measures. These laws will only impact those that choose to abide by them. Furthermore, the importation of black-market firearms and parts (as with illegal drugs, fireworks, and other illicit items that continue to plague our state) will guarantee that **ONLY** those corrupt elements of society will have access to the very firearms that this bill seeks to ban, against a populace unequipped to defend against them.

Our law enforcement officers, while sincere in their desire to stop these criminals, will never be able to respond to a home invasion or similar assault until after the crime has commenced, to investigate and arrest the perpetrators after they have committed offenses. They will not arrive in time to defend us. It is our legal right and familial duty to be prepared to do so for ourselves. Anything less leaves us at the mercy of the bad guys.

Measures such as **HB1902**, seeking to place further restrictions on the magazine capacity for firearms, serve only to limit the ability of law-abiding citizens and responsible gun owners to defend themselves in situations where they face armed attackers. In armed confrontations involving trained police officers, dozens of rounds are often fired by officers, usually to stop solo perpetrators. Under the stress of the situation, missed shots are abundant, ineffective hits are prevalent, and the presence of drugs in the perpetrators' systems often prevents even lethal hits from stopping them in the short-term.

Private citizens facing attackers under less-than-ideal circumstances (i.e. late-night, unexpected, awakened from sleep) cannot be expected to perform more capably than professionally-trained and better-equipped law enforcement officers on duty. Quite the contrary, they will need the higher round capacities, currently only available in Hawaii in some rifles and shotguns due to current restrictions on handgun magazines, to defend themselves and their families. The expectation that a person awakened in the middle of the night can disable a single or multiple intruders with a single 10- (or fewer) round-limited magazine is unrealistic. The assumption that they could carry additional rounds in their sleepwear, or have the ability to reload under these circumstances, is absurd.

As a law-abiding, tax-paying, and voting citizen of Hawaii with 21 years of uniformed military service, I find it appalling that our elected representatives are considering measures to further limit my right to defend my family against the less civilized among us by enacting yet more restrictive gun ownership laws. Hawaii already has among the most restrictive and onerous gun control measures in the country.

I realize these new measures are in reaction to increased reports of gun crime, with pressure being brought to clamp down on the use of firearms in felonies. However these proposed laws only impact those that will obey them, not the criminals that threaten our decent citizens. Most of the violent offenders in these recent cases had multiple prior arrests and convictions for other crimes. Yet they still walked freely among us, having already chosen the path of anti-social, illegal, and violent behavior.

When it comes to actual criminals, our legislators are more interested in finding newer and better ways to downgrade sentences and enforcement measures through "criminal justice reform". Their true ire is

reserved for the easy target – the tax-paying, law-abiding citizen who has the temerity to exercise their Constitutionally-guaranteed Second Amendment rights.

In a state where we cannot control the persistent importation of tons of illegal drugs and fireworks, what makes the Legislature believe that illegal guns and their components will not continue to readily find their way into the hands of those that would use them to commit crimes? What good will be served by limiting the rights of Hawaii's law-abiding citizens to legally acquire and use firearms, as guaranteed by the Second Amendment to the U.S. Constitution, and reinforced in Hawaii's own State Constitution?

So please consider: It's 3am. The clash of a shattered window jolts you from sleep. You jump out of bed on bare feet, dressed only in loose-fitting bedclothes. Police response time is irrelevant, even if you have time to dial 911. You do not know how many people have entered your house, but can only assume they are armed and dangerous. Don't you wish you had a flashlight, a firearm, and more than 10 rounds of adequate caliber ammunition to defend your family? You can be certain that the law-breaking intruders, whose footfalls lumber toward the bedrooms, paid no heed to the latest Hawaii State gun laws.

Please do not hamstring the good guys.

HB-1902-SD-1

Submitted on: 6/23/2020 9:01:05 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Please oppose. This law is only going to be a burden to law abiding citizens. Criminals do not abide laws, so it does nothing to curve criminal activity. More unnecessary paperwork for Counties and more expense. Hawaii already has one of the most strict gun laws and registration in the Country. Thank you!

HB-1902-SD-1

Submitted on: 6/23/2020 9:35:27 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Devin Sasai | Individual | Oppose | Yes |

Comments:

I strongly oppose this bill as it only impacts law abiding gun owners. Such restrictions place a person in an unnecessary disadvantage to criminals. As seen in recent days with the violence and anarchy around our country, it is important for citizens to take the protection of themselves, their loved ones, and their property into their own hands. Citizens in places like Coeur d'Alene, Idaho came out in force to protect their community from corroborated threats from Antifa. As such, plans for rioting in their community were scrapped. This was done by law abiding citizens, not police. The police need our support more than ever. To restrict the magazine capacity of legally owned firearms severely limits the ability of a person to defend themselves and their community. As such, I strongly oppose this measure. Thank you.

Devin Sasai

HB-1902-SD-1

Submitted on: 6/23/2020 9:12:35 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

This attempt at circumventing our Constitution is just that, an attack of the freedoms that make America special and needs to be recognized as such.

There is no legitimate need for this bill except for those who think they live in a utopian society where everyone gets all the protection they need from the government. Anyone intent on committing a crime will not be hindered by the size of the magazine.

As recent events have shown and you can watch every day on the news, there is a clear and convincing need for the Second Amendment. When the police abandon their own stations due to riots, the average American is left to fend for themselves and is exactly why the handcuffing American's abilities to defend themselves is something you should be ashamed of. This can happen in Hawaii too as evidenced by large protest groups defying laws that prohibit large gatherings.

The misguided logic that it will stop crimes is just that, misguided. Criminals will commit crimes and not be bothered by bills such as these that do nothing to stop the growing criminal element which is what you should be focusing on.

HB-1902-SD-1

Submitted on: 6/23/2020 9:35:53 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I oppose this bill.

Jason Naha

HB-1902-SD-1

Submitted on: 6/23/2020 9:40:14 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I oppose this bill. It's restricting my of my 2nd Amendment Rights. It also restricting me for self defense to protect me and my family from criminals. Criminals don't obey the law, they probably have magazines that hold more then 10 rounds, why do you want to pass a law restricting law abiding citizens to 10 or less round magazines? It make the law abiding citizens more vulnerable to criminals! Criminals with a 30 round magazine pistol or rifle vs. Law abiding citizen with 10 round magazine. Who has more advantage to cause harm? The CRIMINAL!! That is why i OPPOSE THIS BILL. Mahalo!

HB-1902-SD-1

Submitted on: 6/23/2020 9:43:21 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Samuel K. Lelewi | Individual | Oppose | No |

Comments:

I oppose this proposition as it inhibits our second amendment rights. Creating these propositions create more hardships for people that are already following the rules and do nothing to stop criminals who are already breaking the law. All gun laws are an infringement to the second amendment, and I hope you choose to uphold your sworn duties to protect the constitution of the United States.

HB-1902-SD-1

Submitted on: 6/23/2020 9:54:35 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Andrew Keith | Individual | Support | No |

Comments:

I am writing in support of HB1902, HD2, SD1, to ban large capacity magazines (LCMs) for firearms. **Please do not allow existing LCMs to remain in use and be passed down to future generations, as it just perpetuates the danger for mass violence and creates enforcement problems in identifying which LCMs pre-existed this bill.**

Hawaii is the only state in the nation to have an assault weapons ban that fails to include assault rifles/shotguns, and large capacity magazines (over 10 rounds) for those weapons. Assault weapons and large capacity magazines are uniquely designed to be capable of mass violence. Their potential for mass murder far outweighs any plausible use for hunting, recreation or self-defense. There are reported to be thousands of large capacity magazines already in Hawaii in civilian hands; these should all be banned, as well as all future sales of large capacity magazines.

Hawai'i is once again in grief from the senseless loss of life caused by gun violence. Thoughts and prayers are not enough to combat gun violence. Action is needed. Our keiki are drilled each year on how to try to survive an active shooter situation. Legislators must do their part by enacting safer gun laws to reduce this risk, particularly from large capacity magazines and assault weapons.

The 1994 federal Assault Weapons Ban prohibited assault weapons and high-capacity magazines, but the law expired and Congress has failed to re-enact it. Hawai'i can and should enact our own laws to ban these large capacity magazines and weapons.

The rate of public mass shootings has tripled since 2011. The US now has more mass shootings each year than there are days in the year. Hawai'i has not been immune. We should do our best to prevent another mass shooting here. The sooner **all** large capacity magazines are banned, the sooner we can start reducing the needless spread of these dangerous weapons in Hawai'i.

Clearly, guns are not the answer to a safe & peaceful society.

Mahalo!

Andrew Keith

Kaneohe

HB-1902-SD-1

Submitted on: 6/23/2020 9:59:15 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

HB-1902-SD-1

Submitted on: 6/23/2020 10:01:21 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Mary Babcock | Individual | Support | No |

Comments:

HB-1902-SD-1

Submitted on: 6/23/2020 10:02:22 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I oppose HB1902.

Magazines with a capacity of more than 10 rounds are not the problem when it comes to gun crimes. Guns are not the problem when it comes to crimes committed by criminals who use them. The underlying problems are 2 things. First is that criminals do not care what laws are on the books. They commit crimes because they choose to break the law. The second issue is that when a shooting happens a majority of the time, we find out that mental illness is a contributing factor in most shootings. Your laws will not stop crime, it will not deter crime and will only affect those of us that choose to follow the laws that you have pushed on us. You guys should be ashamed of yourselves trying to push your anti-gun agenda during this time of health and financial hardship due to the coronavirus. You might have thought we are not paying attention, but we are.

Brandon Leong

Hawaii Rifle Association Board Member

Lessons In Firearms Education Board Member

Certified NRA Firearms Instructor

HB-1902-SD-1

Submitted on: 6/23/2020 10:50:13 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I am STRONGLY OPPOSED to HB1092 SD1 as it is nothing more than a blatant violation of our Rights that are guaranteed by the 2nd Amendment of the Consitution of the United States Of America, and confirmed by the Supreme Court of the United State that the right of the people to keep and bear arms shall not be infringed. The Legisture has apparently turned a blind eye on recent events on the mainland where despite the clams of "mostly peaceful protest" the cities of Washington DC, Seattle, Portland, Dallas, New York, Minneapolis, Los Angeles and other went up in flames, suffered hundreds of millions of dollars in property damage and an untold number of defenseless citizens were assaulted and murdered by the mob.

The citizens in those cities were abandoned by their city leaders and Law Enforcement and were left to fend for themselves. There are many videos on YouTube showing both defenseless citizens being assaulted by the mob of rioters, many with life threatening injuries or death. There are also videos of citizens sucessfully using firearms to protect both their life and property against the mob. In many of these assaults against life and property having only a 10 round magazine would severly handicap the law abiding citizen ability to defend themselves against a mob.

Furthermore if the Police feel that 10 rounds magazines are more than sufficient for the citizens to defend themselves, then it should be more than sufficient for the Police and there should not be a Law Enforcement exemption.

Again I STRONGLY OPPOSE this bill and ask you vote NO.

HB-1902-SD-1

Submitted on: 6/23/2020 11:01:26 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Robin Hart | Individual | Support | No |

Comments:

The rate of public mass shootings has tripled since 2011. The US now has more mass shootings each year than there are days in the year. Hawai'i has not been immune. We should do our best to prevent another mass shooting here. The sooner **all** large capacity magazines are banned, the sooner we can start reducing the needless spread of these dangerous weapons in Hawai'i.

Hawaii is the only state in the nation to have an assault weapons ban that fails to include assault rifles/shotguns, and large capacity magazines (over 10 rounds) for those weapons. Assault weapons and large capacity magazines are uniquely designed to be capable of mass violence. Their potential for mass murder far outweighs any plausible use for hunting, recreation or self-defense. There are reported to be thousands of large capacity magazines already in Hawaii in civilian hands; these should all be banned, as well as all future sales of large capacity magazines.

I am writing in support of HB1902, HD2, SD1, to ban large capacity magazines (LCMs) for firearms. **Please do not allow existing LCMs to remain in use and be passed down to future generations, as it just perpetuates the danger for mass violence and creates enforcement problems in identifying which LCMs pre-existed this bill.**

HB-1902-SD-1

Submitted on: 6/23/2020 11:32:56 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Our political system has truly gone awry when the Gifford Center, a lobbying group, is used as the basis for justification for legislation. There is no consideration of the other side of the argument; and this proposal reeks of personal agenda without regard to the will of the people.

A quick search of the internet indicates that trained law enforcement officers have an accuracy rate of eighteen to thirty-five percent (NYPD Study/DFWPD Study) firing under duress (e.g. stress/combat situation). To simplify trained officers hit their target one in five to one in three time per shot fired. The HPD will not be restricted to ten round magazines, but assuming this was the case a trained law enforcement officer would hit his or her target two to three times with ten rounds. Fortunately we allow our officers to carry 15-18 round magazines in their service weapons (three to five and three to six hits on target respectively) to ensure they are armed to defend against multiple threats and can protect themselves and the public.

A law abiding citizen who is a responsible firearm owner should undergo training and sustain their skill in employment and safety of firearms, but we can likely assume that the citizen will have a lower hit probability than a trained law enforcement officer. Let us assume eighteen percent, which is likely high for the average citizen that lawfully owns a firearm. This means a ten round magazine would result in less than two hits (1.80), the fifteen round magazine in less than three (2.70), and the eighteen round magazine in just over three (3.24). Under stressful conditions where a citizen could access their firearm and need to use it; is exactly the point where this law handicaps the law abiding citizen. Home invasion robberies are usually perpetrated by two or more assailants who are often armed. Restricting magazines to ten rounds means the citizen is effectively able to engage one of "X" assailants. It is highly unlikely the assailants will consider the magazine ban and limit theirs to only ten, you know "just to be fair." Once again, criminals do not follow laws, it is kind of the definition of criminal.

Various examples of gun control advocates cite Hawaii robust gun laws account for low numbers of firearm related deaths. Hawaii has had one mass shooting, over twenty years ago, and this is the driving force to limit magazine capacities today? When citizens and criminals are on equal footing then law abiding citizens serve as a deterrent to crime, making the police's job easier and our communities safer. Why would a reasonable person give want to give criminals an edge over law abiding citizens?

We are financially stretched as a City, County, and State due to COVID-19, yet legislators cannot delay their personal crusade to focus on getting Hawaii back to work or working with private industry to innovate our economy for the future. Perhaps a focus on the emergent issues of the day would be in order; it would be a pleasant change if our legislators provided leadership that makes Hawaii better for the people versus contemplating unnecessary laws that support personal agendas, special interests, and continue the cronyism that are the hallmarks of present politics. Take a stand today for the citizens of Hawaii and defeat this measure. Thank you.

HB-1902-SD-1

Submitted on: 6/23/2020 12:28:28 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I strongly oppose of this bill. This bill infringes on our constitutional rights. I have legally purchased many "large capacity" magazines for multiple firearms. I have saved and invested many of my hard earned money on such magazines and am not ok with being required to surrender them or face criminal charges. Large capacity magazines are commonly used in the firearms community. Passing this bill would effect many law-abiding citizens across the state. Criminals don't follow laws and wouldn't mind breaking this one. I feel that the proposal of this bill is just an attack at gun owners and there rights. There is already a similar bill in senate and a 9th circuit lawsuit awaiting decision making that would overrule this bill.

HB-1902-SD-1

Submitted on: 6/23/2020 12:28:28 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------------|--------------|--------------------|--------------------|
| Edward Gutteling, M.D. | Individual | Oppose | No |

Comments:

RE: HB2744 HD1 SD1 : banning detachable ammunition magazines with a capacity in excess of 10 rounds

As a practicing orthopedic surgeon in Hawaii for 28 years, and before that for 5 years in Newark NJ, I am well experienced with caring for tragic gun trauma

I urge you NOT to ban these 10+ round magazines for long guns.

The real harm outweighs the good intent.

New laws restricting the legal arming of our responsible citizens must be heavily weighed as to all the consequences, as well as the desired benefits.

Such a ban may *theoretically* have a marginal effect on preventing crime, but it definitely has a marginal effect on preventing the human right of meaningful self-defense by our citizens.

Such a magazine ban has already recently been blocked in California by San Diego-based U.S. District Judge Roger Benitez . His ruling is here:

<https://www.courthousenews.com/wp-content/uploads/2019/03/Duncan-Summary-Judgment-CA-Guns.pdf>

Judge Benitez emphasizes that the Second Amendment requires that the state ***has to meet a high burden before it can pass a law that infringes on the right to keep or bear arms***

Judge Benitez, in his ruling, **specifically described three home invasions**, two of which ended with the **female victims running out of bullets**.

In the third case, the pajama-clad woman with a high-capacity magazine took on three armed intruders, firing at them while simultaneously calling for help on her phone.

"She had no place to carry an extra magazine and no way to reload because her left hand held the phone with which she was still trying to call 911," the judge wrote, saying she killed one attacker while two escaped.

He ruled that magazines holding more than 10 rounds are "arms" under the U.S. Constitution, and that the California law "burdens the core of the Second Amendment by criminalizing the acquisition and possession of these magazines that are commonly held by law-abiding citizens for defense of self, home, and state."

The goal of the California law was to deter mass-shootings, such as the terrorist assault that killed 14 and injured 22 in San Bernardino. Hawaii has had no such comparable mass shootings.

Judge Benitez called such shootings "exceedingly rare" while emphasizing the numerous everyday robberies, rapes and murders that might be countered with firearms.

This exact issue will come before the Supreme Court to settle conflicting rulings, and it would be embarrassing for Hawaii to again have such a law reversed as unjust, unconstitutional. Police Chief Susan Ballard has already been cautioned once before by her own Police Commission about her present approach to the 2nd Amendment regarding permitting as being legally indefensible, and risks reprimand and reversal from SCOTUS. <https://www.staradvertiser.com/2019/04/02/hawaii-news/honolulu-police-chief-is-pressed-on-handgun-carry-permits/>

This potential ban is similarly at risk.

Yours sincerely

Edward Gutteling, M.D.

Hilo

HB-1902-SD-1

Submitted on: 6/23/2020 12:58:07 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I oppose this bill, what a waste of time. Dont we have better things to do then go after law abiding gun owners.

HB-1902-SD-1

Submitted on: 6/23/2020 1:11:18 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I am strongly in favor of HB 1902 and support the banning of Large Capacity Magazines. I am an attorney and familiar with the history of the writing of the Second Amendment, which simply states: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." The Framers of the Constitution in no way envisioned the military style use of large capacity magazines by individuals in the public for their own individual use. Nothing in the legislative history of the Second Amendment supports such the overbroad interpretation which would be essential to allow privat citizens (not militia) to possess Large Capacity Magazines. The people of Hawaii do not want this, the Constitution does NOT require it and the Bill banning such military, mass murder weapons should pass. Such equipment has NO purpose other than mass killing, something the Framers clearly did not intend.

HB-1902-SD-1

Submitted on: 6/23/2020 1:27:26 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

1. Hawaii does not need to fund a gun violence commission of their own. The limited gun violence that exists in this state is grossly truncated by the greater existence of poverty, housing shortages, spousal & child abuse, recovery centers for victims of domestic violence, etc. The list goes on and on. These funds would be better spent on the halfway house for women that is scheduled to shut down than on a new commission to study something that has a gun homicide rate that is the lowest in the country and so low that statistically speaking, it is effectively ZERO.

2. There is no evidence to support any theory that reducing high-capacity magazines in any of the other 49 states who have enacted these laws has shown any impact on gun violence, the amount of rounds fired per incident, the ability of law-breaking individuals to source high-capacity magazines through the black market, etc.

At best, this bill does nothing but agitate law abiding gun owners and supporters of second ammendment rights. At worst it squanders our money rather than putting it towards more useful purposes such as the afore mentioned public services.

HB-1902-SD-1

Submitted on: 6/23/2020 2:18:10 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

As a father, Veteran, and your constituent, I ask you to please oppose House Bill 1902.

Countless law-abiding citizens, such as myself, own and use magazines that hold more than ten rounds of ammunition. They are standard equipment for many of the most commonly-owned firearms in use for self-defense, competition, hunting, and recreational shooting.

Please don't restrict my ability to protect myself and my loved ones. There's no reason to believe that criminals will have any more respect for new gun laws that will only restrict the self-defense rights of law-abiding citizens like me.

HB-1902-SD-1

Submitted on: 6/23/2020 2:30:39 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I strongly oppose this bill as it is further restricts our second amendment rights as American citizens. This bill only seeks to make it more difficult for the legal, law abiding citizens of Hawaii to maintain their 2nd amendment rights. By disallowing access to these magazines and restricting guns rights even further, the state of Hawaii would be in direct violation of its own constitution as well as the US constitution, and shows blatant disregard for the freedom of the people here.

HB-1902-SD-1

Submitted on: 6/23/2020 3:22:11 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I STRONGLY OPPOSE this bill as 1) they (greater than 10 round magazines) are common equipment. 2) the connection between any given crime and the magazine is conjecture at best, while prohibitions against such magazines have disrupted the lives of many otherwise law-abiding gun owners. 3) If I want them, the Constitution limits your power to infringe on my God given Rights to protect myself. Quit infringing on my rights.

HB-1902-SD-1

Submitted on: 6/23/2020 3:31:16 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Christian R Grado | Individual | Oppose | No |

Comments:

I strongly oppose all further restrictions of our 2nd Amendment rights.

HB-1902-SD-1

Submitted on: 6/23/2020 4:48:22 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I oppose this bill because it is poorly written. All pistol magazines are already regulated in Hawaii to be no more than 10 round capacity. In addition, rifles that can use pistol magazines are also regulated to no more than 10 round capacity. Therefore this proposed bill is redundant upon current magazine restrictions.

HB-1902-SD-1

Submitted on: 6/23/2020 4:51:34 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

HB-1902-SD-1

Submitted on: 6/23/2020 6:09:35 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-------------------------|---------------------|---------------------------|---------------------------|
| Benjamin Joseph Candari | Individual | Oppose | No |

Comments:

These bills are anti-freedom, a waste of taxpayer money, and dangerously restrict the ability of good law abiding people to protect themselves and families.

Thank you for considering my opinion on these bills.

HB-1902-SD-1

Submitted on: 6/23/2020 5:29:41 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Darryl Y.C. Choy | Individual | Oppose | No |

Comments:

The current HRS already prohibits handgun magazines that hold more than 10 rounds. That accounts for all but a few long guns. This bill will do nothing that isn't already covered.

HB-1902-SD-1

Submitted on: 6/23/2020 6:47:57 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

oppose

HB-1902-SD-1

Submitted on: 6/23/2020 7:04:44 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

HB-1902-SD-1

Submitted on: 6/23/2020 7:40:31 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

HB-1902-SD-1

Submitted on: 6/23/2020 8:08:26 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

HB-1902-SD-1

Submitted on: 6/23/2020 8:42:06 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------------|---------------------|---------------------------|---------------------------|
| Kelvin N Asahina, DDS | Individual | Oppose | No |

Comments:

We already have enough restrictive laws concerning firearms ownership. Fix the real problems which include the lack of proper care for our mentally ill and our poor economy. Your other issues will fix themselves.

HB-1902-SD-1

Submitted on: 6/23/2020 8:51:20 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Please oppose HB1902. This bill would continue to punish law abiding citizens of the State of Hawaii and infringe upon their right to defend themselves in a manner which they deem acceptable. It would severely impact their ability while at home in the unfortunate event of a home invasion. It's the middle of the night and someone breaks in with the intent to cause physical harm. The bad actors have firearms obtained illegally and are a threat to you and your family, but you are limited to only 10 rounds in a magazine and have no way to carry extra magazines in your pajamas and you are calling 911 with your cellphone in your other hand. What do you do? It has been proven on many different occasions that standard capacity magazines made the difference between life and death for the law abiding citizen. Judge Roger Benitez from California declared magazine bans unconstitutional in his 2019 ruling. He ruled that magazines holding more than 10 rounds are "arms" under the U.S. Constitution, and that the...
...law "burdens the core of the Second Amendment by criminalizing the acquisition and possession of these magazines that are commonly held by law-abiding citizens for defense of self, home, and state."

Magazines that have capacities larger than 10 rounds were designed that way by the manufacturer for an explicit reason; to give the user the ability to defend oneself against bad actors with equality. To deviate from that would be redesigning the firearm from its initial and desired design. The Glock 17, which is the standard issue firearm for the Honolulu Police department, has a designed standard capacity of 17 rounds. The Colt AR-15 is the standard issue rifle of HPD, which is designed for use with 30 round capacity magazines. HPD officers routinely carry their own personal rifle with standard capacity 30 round magazines, that of itself does not afford any uniformity within the department and allows the individual officer to make undersigned modifications to their personal firearm which may place the department or City & County at risk. And as the proposed statute revision reads that law enforcement is exempt only in the performance in their official capacity (new section (d)). Will they be required to leave all magazines, rifle and pistol, that can hold more than 10 rounds at their respective armory and not allowed to bring them home? Is the intent of the statute to create two distinct classes of people in Hawaii? Is the safety of the Law Enforcement Officer more important than the safety of the law abiding citizen? That is what this statute is making. Law Enforcement Officers are civilians at all times and when off-duty they are not functioning in their official capacity and are subject to the statute.

Law abiding gun owners in Hawaii are left more susceptible to harm or death by being limited in their means of self-defense, criminals who are intent on doing harm will not follow this same law. Magazines that hold more than 10 rounds are considered standard and that many firearms are not available with magazines that hold fewer than 10 rounds. This law does nothing more than penalize law-abiding citizens while criminalizing components of handguns they own that were previously legal. A person with 15 rounds of ammunition available will be better able to defend himself or herself from a criminal gang, or from a drug-crazed criminal who continues attacking even after being shot, than a person who has only 10 rounds of ammunition available before they must reload their gun.

Banning magazines with capacities of more than 10 rounds does nothing to address the real issues of crime in Hawaii and is only trying to fix a problem that doesn't exist. Banning larger-capacity ammunition magazines won't reduce the number of shootings, and makes as much sense as the legislature banning all alcohol as a knee-jerk measure to reduce alcohol-related fatalities, or even banning all cars because that's what-you-think is the right approach to reduce car-related fatalities. Sort of like London banning knives to reduce stabbings. How's that working out for them? (hint: not very well)

I urge you to OPPOSE HB1902 and to work to repeal the current nonsense law of pistol magazine restrictions for the safety and welfare of Hawaii residents.

HB-1902-SD-1

Submitted on: 6/23/2020 8:54:32 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I strongly oppose HB1902 HD2 SD1.

HB-1902-SD-1

Submitted on: 6/23/2020 9:24:03 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

This bill reduces my ability to make informed choices pertaining to protecting my home and family in a time of pandemic and civil unrest. HPD is understaffed, the states budget is in shambles, and it's citizens livelyhoods are in ruins and this is the bill you think you should pass? You should be ashamed of yourself.

HB-1902-SD-1

Submitted on: 6/23/2020 9:13:17 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I oppose HB1902 HD2 SD1

This Bill punishes the Law Abiding firearm owner - for actions done by persons doing criminal acts.

This Bill will have no effect on a criminal possessing Large Capacity Magazines - criminals do not obey the law - they do not fear the law, or the consequences that come with breaking the law. Criminals do not care!

Why would I want to give the criminal an advantage of magazine capacity (more bullets). I want superiority! I want more bullets than said criminal! I want to have the advantage - I want the advantage to protect my family, my home, self, friends, and property.

I am my own First Responder before 911 arrives - Do Not Make Me a Victim!

There is a case in The United States District Court Southern District of California - Case No.: 3:17cv1017 -BEN (JLB) - Duncan vs Becerra...

This case provides incidents which persons (female) were killed, defending themselves with 10 round magazines. Each incident shows how 10 rounds are not enough when it comes to protecting ones self against violence.

A lot of persons will argue for the 10 round magazine based on the recent "mass shootings" and I would agree that if the "mass shooter" had 10 round magazines people could run away during the re-load. On the flip side of the coin - the "mass shooter" will regardless - whether he has 10 round magazines or not - he will take lives, alot of lives, before 911 arrives. True people will be able to run away during re-load, but there will be death! Remember this person became a criminal once he started shooting at innocent people. This person disregarded the great law of "Thou shall not kill"!

So why is the Law Abiding firearm owner to be punished with a 10 round magazine restriction - the Law Abiding firearm owner did not do a criminal event! Multiple Female persons died defending themselves with 10 round magazines, it was not enough - they were victims, for being law abiding.

When it comes time to defend my family, home, self, friends and property - do not tie my arms and legs - give me a chance at superiority against the criminal until 911 arrives.

I am my own First Responder until 911 arrives - Do Not Make Me a Victim!

HB-1902-SD-1

Submitted on: 6/23/2020 9:34:51 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Gary Perrin | Individual | Comments | No |

Comments:

As a legal gun owner I have submitted testimony opposing sb 2635 and sb3054.

And while I oppose those bills as I feel they are infringing on my rights as a legal gun owner. This bill has merit. My only concern with this bill is the limiting of the magazine size for all guns could seriously hindrr sportsman who travel to other states for competions by not allowing higher capacity magazines.

I own a rifle which holds 8 rounds. The type of gun and the marksmanship practice that I do on a sunday this law would not affect, but again for those who travel and participate in competions are hindered by this law.

Please consider the re-drafting of this bill eliminating the magazine provision from the language.

Thank you,

Submitted by Paul Gill, Individual

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

VIRGINIA DUNCAN, et al.,

Case No.: 3:17cv1017-BEN (JLB)

Plaintiffs,

**ORDER GRANTING PLAINTIFFS’
MOTION FOR SUMMARY
JUDGMENT, DECLARING
CALIFORNIA PENAL CODE § 32310
UNCONSTITUTIONAL and
ENJOINING ENFORCEMENT**

v.

XAVIER BECERRA, in his official
capacity as Attorney General of the State
of California,

Defendant.

Individual liberty and freedom are *not* outmoded concepts. “The judiciary is – and is often the only – protector of individual rights that are at the heart of our democracy.” -- Senator Ted Kennedy, Senate Hearing on the Nomination of Robert Bork, 1987.¹

I. INTRODUCTION

As two masked and armed men broke in, Susan Gonzalez was shot in the chest. She made it back to her bedroom and found her husband’s .22 caliber pistol. Wasting the first rounds on warning shots, she then emptied the single pistol at one attacker. Unfortunately, now out of ammunition, she was shot again by the other armed attacker.

¹ Norma Vieira & Leonard Gross, *Supreme Court Appointments: Judge Bork and the Politicization of Senate Confirmations* 26 (Southern Illinois University Press 1998).

1 She was not able to re-load or use a second gun. Both she and her husband were shot
2 twice. Forty-two bullets in all were fired. The gunman fled from the house—but
3 returned. He put his gun to Susan Gonzalez’s head and demanded the keys to the
4 couple’s truck.²

5 When three armed intruders carrying what look like semi-automatic pistols broke
6 into the home of a single woman at 3:44 a.m., she dialed 911. No answer. Feng Zhu
7 Chen, dressed in pajamas, held a phone in one hand and took up her pistol in the other
8 and began shooting. She fired numerous shots. She had no place to carry an extra
9 magazine and no way to reload because her left hand held the phone with which she was
10 still trying to call 911. After the shooting was over and two of the armed suspects got
11 away and one lay dead, she did get through to the police. The home security camera
12 video is dramatic.³

13 A mother, Melinda Herman, and her nine-year-old twins were at home when an
14 intruder broke in. She and her twins retreated to an upstairs crawl space and hid.
15 Fortunately, she had a .38 caliber revolver. She would need it. The intruder worked his
16 way upstairs, broke through a locked bedroom door and a locked bathroom door, and
17 opened the crawl space door. The family was cornered with no place to run. He stood
18 staring at her and her two children. The mother shot six times, hitting the intruder five
19

20
21 ² *Duncan v. Becerra*, 265 F. Supp. 3d 1106, 1130-31 (S.D. Cal. 2017) (citing *Jacksonville*
22 *Times-Union*, July 18, 2000).

23 ³ Lindsey Bever, *Armed Intruders Kicked in the Door*, Washington Post (Sept. 24, 2016),
24 https://www.washingtonpost.com/news/true-crime/wp/2016/09/24/armed-intruders-kicked-in-the-door-what-they-found-was-a-woman-opening-fire/?noredirect=on&utm_term=.80336ab1b09e; see also *YouTube*,
25 <https://youtu.be/ykiSTkmt5-w> (last viewed Mar. 20, 2019); Habersham, Raisa, *Suspect*
26 *Faces Murder Charge 18 Months After Homeowner Shot at Him, Intruders*, *The Atlanta-Journal-Constitution* (Mar. 30, 2018) <https://www.ajc.com/news/crime--law/suspect-faces-murder-charge-months-after-homeowner-shot-him-intruders/W4CW5wFNFdU6QIEFo0CtGM>
27 (last visited Mar. 27, 2019). Although this
28 news account is not in the parties’ exhibits, it is illustrative.

1 times, when she ran out of ammunition. Though injured, the intruder was not
2 incapacitated. Fortunately, he decided to flee.⁴

3 **A. A Need for Self-Defense**

4 In one year in California (2017), a population of 39 million people endured 56,609
5 robberies, 105,391 aggravated assaults, and 95,942 residential burglaries.⁵ There were
6 also 423 homicides in victims' residences.⁶ There were no mass shootings in 2017.

7 Nationally, the first study to assess the prevalence of defensive gun use estimated that
8 there are 2.2 to 2.5 million defensive gun uses by civilians each year. Of those, 340,000
9 to 400,000 defensive gun uses were situations where defenders believed that they had
10 almost certainly saved a life by using the gun.⁷ Citizens often use a gun to defend against
11 criminal attack. A Special Report by the U.S. Department of Justice, Bureau of Justice
12 Statistics published in 2013, reported that between 2007 and 2011 "there were 235,700
13 victimizations where the victim used a firearm to threaten or attack an offender."⁸ How
14 many more instances are never reported to, or recorded by, authorities? According to
15 another U.S. Department of Justice, Bureau of Justice Statistics, Special Report, for each
16

17
18 ⁴ Robin Reese, *Georgia Mom Shoots Home Invader, Hiding With Her Children*, ABC
19 News (Jan. 8, 2013), [https://abcnews.go.com/US/georgia-mom-hiding-kids-shoots-](https://abcnews.go.com/US/georgia-mom-hiding-kids-shoots-intruder/story?id=18164812)
20 [intruder/story?id=18164812](https://abcnews.go.com/US/georgia-mom-hiding-kids-shoots-intruder/story?id=18164812) (last viewed Mar. 22, 2019) (includes video and recording of
21 911 call). Although this news account is not in the parties' exhibits, it is illustrative.

22 ⁵ Xavier Becerra, *Crime in California (2017)* and *Homicide in California (2017)*,
23 (<https://openjustice.doj.ca.gov/resources/publications>). Under Rules of Evidence 201(b)
24 courts may take judicial notice of some types of public records, including reports of
25 administrative bodies.

26 ⁶ *Id.*

27 ⁷ See Gary Kleck & Marc Gertz, *Armed Resistance to Crime: The Prevalence and Nature*
28 *of Self-Defense with a Gun*, 86 J. Crim. L. & Criminology 150, 164, 177 (1995) (cited in
29 *Heller v. D.C. (Heller II)*, 670 F.3d 1244, 1262 (D.C. Cir. 2011)).

30 ⁸ See Planty, Michael and Truman, Jennifer, *Firearm Violence, 1993-2011* (2013), at p.11
31 and Table 11 www.bjs.gov/content/pub/pdf/fv9311.pdf (last visited Mar. 19, 2019).
32 Under Rules of Evidence 201(b) courts may take judicial notice of some types of public
33 records, including reports of administrative bodies.

1 year between 2003 and 2007, an estimated 266,560 burglaries occurred during which a
2 person at home became a victim of a violent crime or a “home invasion.”⁹ “Households
3 composed of single females with children had the highest rate of burglary while someone
4 was at home.”¹⁰ Of the burglaries by a stranger where violence occurred, the assailant
5 was armed with a firearm in 73,000 instances annually (on average).¹¹ During a burglary,
6 rape or sexual assault occurred 6,387 times annually (on average), while a homicide
7 occurred approximately 430 times annually (on average).¹²

8 Fortunately, the Second Amendment protects a person’s right to keep and bear
9 firearms. The Second Amendment provides: “A well regulated Militia, being necessary
10 to the security of a free State, the right of the people to keep and bear Arms, shall not be
11 infringed.” U.S. Const. amend. II. “As interpreted in recent years by the Supreme Court,
12 the Second Amendment protects ‘the right of law-abiding, responsible citizens to use
13 arms in defense of hearth and home.’” *Teixeira v. Cty. of Alameda*, 873 F.3d 670, 676–
14 77 (9th Cir. 2017), *cert. denied sub nom. Teixeira v. Alameda Cty.*, 138 S. Ct. 1988
15 (2018) (quoting *District of Columbia v. Heller*, 554 U.S. 570, 635 (2008)). At the core of
16 the Second Amendment is a citizen’s right to have in his and her home for self-defense
17 common firearms. *Heller*, 554 U.S. at 629. “[O]ur central holding in *Heller* [is] that the
18 Second Amendment protects a personal right to keep and bear arms for lawful purposes,
19 most notably for self-defense within the home.” *McDonald v. City of Chicago*, 561 U.S.
20 742, 780 (2010).

24 ⁹ Catalano, Shannan, *Victimization During Household Burglary*, U.S. D.O.J., Bureau of
25 Justice Statistics (Sept. 2010) <https://www.bjs.gov/content/pub/pdf/vdhb.pdf> (last visited
26 Mar. 28, 2019). Under Rules of Evidence 201(b) courts may take judicial notice of some
27 types of public records, including reports of administrative bodies.

27 ¹⁰ *Id.* at p.3.

28 ¹¹ *Id.* at p.10.

¹² *Id.*

1 As evidenced by California’s own crime statistics, the need to protect one’s self
2 and family from criminals in one’s home has not abated no matter how hard they try.
3 Law enforcement cannot protect everyone. “A police force in a free state cannot provide
4 everyone with bodyguards. Indeed, while some think guns cause violent crime, others
5 think that wide-spread possession of guns on balance reduces violent crime. None of
6 these policy arguments on either side affects what the Second Amendment says, that our
7 Constitution protects ‘the right of the people to keep and bear Arms.’” *Silveira v.*
8 *Lockyer*, 328 F.3d 567, 588 (9th Cir. 2003) (Kleinfeld, J., dissenting from denial of
9 rehearing *en banc*). However, California citizens, like United States citizens everywhere,
10 enjoy the right to defend themselves with a firearm, if they so choose. To protect the
11 home and hearth, citizens most often choose a handgun, while some choose rifles or
12 shotguns.

13 **B. Are 10 Rounds Always Enough?**

14 If a law-abiding, responsible citizen in California decides that a handgun or rifle
15 with a magazine larger than 10 rounds is the best choice for defending her hearth and
16 home, may the State deny the choice, declare the magazine a “nuisance,” and jail the
17 citizen for the crime of possession? The Attorney General says that is what voters want
18 in hopes of preventing a rare, but horrible, mass shooting. The plaintiffs, who are also
19 citizens and residents of California, say that while the goal of preventing mass shootings
20 is laudable, banning the acquisition and possession of magazines holding more than 10
21 rounds is an unconstitutional experiment that poorly fits the goal. From a public policy
22 perspective, the choices are difficult and complicated. People may cede liberty to their
23 government in exchange for the promise of safety. Or government may gain compliance
24 from its people by forcibly disarming all.¹³ In the United States, the Second Amendment
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26
27 ¹³ *E.g.*, on November 10, 1938, the day after the horrific Night of Broken Glass, or
28 *Kristallnacht*, the Nazis issued an order that “Jews may not henceforth buy or carry
weapons,” and those found in possession of arms “would be sent to concentration camps

1 takes the legislative experiment off the table.¹⁴ Regardless of current popularity, neither a
 2 legislature nor voters may trench on constitutional rights. “An unconstitutional statute
 3 adopted by a dozen jurisdictions is no less unconstitutional by virtue of its popularity.”
 4 *Silveira*, 312 at 1091.

5 **C. Mass Shooting vs. Common Crimes**

6 When they occur, mass shootings are tragic. Innocent lives are senselessly lost
 7 while other lives are scarred forever. Communities are left shaken, frightened, and
 8 grieving. The timeline of the tragedy, the events leading up to the shooting, and the
 9 repercussions on family and friends after the incident, fill the national media news cycle
 10 for days, weeks and years. Who has not heard about the Newtown, Connecticut, mass
 11 shooting at Sandy Hook Elementary School, or the one at a high school in Parkland,
 12 Florida? But an individual victim gets little, if any, media attention, and the attention he
 13 or she gets is local and short-lived. For example, who has heard about the home invasion
 14 attack on Melinda Herman and her twin nine-year old daughters in Georgia only one
 15 month after the Sandy Hook incident?¹⁵ Who has heard of the attacks on Ms. Zhu Chen
 16

17
 18 for twenty years.” *First Anti-Jew Laws Issued, Possession of Arms*, New York Times
 19 (Nov. 11, 1938).

20 ¹⁴ “To be sure, assault rifles and large capacity magazines are dangerous. But their
 21 ability to project large amounts of force accurately is exactly why they are an attractive
 22 means of self-defense. While most persons do not require extraordinary means to defend
 23 their homes, the fact remains that some do. Ultimately, it is up to the lawful gun owner
 24 and not the government to decide these matters. To limit self-defense to only those
 25 methods acceptable to the government is to effect an enormous transfer of authority from
 26 the citizens of this country to the government—a result directly contrary to our
 27 constitution and to our political tradition. The rights contained in the Second
 28 Amendment are ‘fundamental’ and ‘necessary to our system of ordered liberty.’ The
 government recognizes these rights; it does not confer them.” *Friedman v. City of
 Highland Park*, 784 F.3d 406, 417-18 (7th Cir. 2015) (Manion, J., dissenting).

¹⁵ Phillips, Rich, *Armed Mom Takes Down Home Invader*, CNN (Jan. 11, 2013)
<https://www.cnn.com/2013/01/10/us/home-invasion-gun-rights> (includes video) (last
 visited Mar. 22, 2019).

1 or Ms. Gonzalez and her husband?¹⁶ Are the lives of these victims worth any less than
2 those lost in a mass shooting? Would their deaths be any less tragic? Unless there are a
3 lot of individual victims together, the tragedy goes largely unnoticed.

4 That is why mass shootings can seem to be a common problem, but in fact, are
5 exceedingly rare. At the same time robberies, rapes, and murders of individuals are
6 common, but draw little public notice. As in the year 2017, in 2016 there were numerous
7 robberies, rapes, and murders of individuals in California and no mass shootings.¹⁷
8 Nevertheless, a gubernatorial candidate was successful in sponsoring a statewide ballot
9 measure (Proposition 63). Californians approved the proposition and added
10 criminalization and dispossession elements to existing law prohibiting a citizen from
11 acquiring and keeping a firearm magazine that is able to hold more than 10 rounds. The
12 State now defends the prohibition on magazines, asserting that mass shootings are an
13 urgent problem and that restricting the size of magazines a citizen may possess is part of
14 the solution. Perhaps it is part of the solution.

15 Few would say that a 100 or 50-round rifle magazine in the hands of a murderer is
16 a good idea. Yet, the “solution” for preventing a mass shooting exacts a high toll on the
17 everyday freedom of ordinary law-abiding citizens. Many individual robberies, rapes,
18 and shootings are not prevented by the State. Unless a law-abiding individual has a
19 firearm for his or her own defense, the police typically arrive after it is too late. With
20 rigor mortis setting in, they mark and bag the evidence, interview bystanders, and draw a
21 chalk outline on the ground. But the victim, nevertheless, is dead, or raped, or robbed, or
22 traumatized.

23 As Watson County Sheriff Joe Chapman told CNN about Melinda Herman and her
24 twin nine-year-old daughters in the attic (the third incident described above), “[h]ad it not
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27 ¹⁶ See n.2-3, *supra*.

28 ¹⁷ Xavier Becerra, *Crime in California (2016) and Homicide in California (2016)*,
(<https://openjustice.doj.ca.gov/resources/publications>).

1 turned out the way that it did, I would possibly be working a triple homicide, not having a
 2 clue as to who it is we're looking for."¹⁸ The Second Amendment protects the would-be
 3 American victim's freedom and liberty to take matters into one's own hands and protect
 4 one's self and family until help arrives.

5 **D. California Law Makes it a Crime to Have More Than 10 Rounds**

6 For all firearms, California law allows only the acquisition and possession of
 7 magazines that hold ten rounds or less.¹⁹ Claiming that the *average* defensive use of a
 8 gun requires firing only 2.2 rounds, the State's voters and legislators have decided that a
 9 responsible, law-abiding citizen *needs* no more than ten rounds to protect one's self,
 10 family, home, and property. "No one except trained law enforcement should be able to
 11 possess these dangerous ammunition magazines [which hold more than 10 rounds]."
 12 Proposition 63; *A.G.'s Oppo. to P's Motion for Summary Jgt.*, at 20 ("LCMs are not
 13 *necessary* to exercise 'the fundamental right of self defense in the home.'") (emphasis
 14 added); *A.G.'s Oppo. to P's Motion for Summary Jgt.*, at 21 ("There is simply no study or
 15 systematic data to suggest that LCMs are *necessary* for self-defense.") (emphasis added)
 16 (citations omitted). Susan Gonzalez and her husband, the single woman awoken in the
 17 night, and the mother home alone with her nine-year-old twin daughters all needed to fire
 18 considerably more than 2.2 shots to protect themselves.²⁰ In fact, Gonzalez and the mom
 19 of twins ran out of ammunition.

20 In other words, a Californian may have a pistol with a 10-round magazine in hopes
 21 of fighting off a home invasion robbery. But if that Californian grabs a pistol containing
 22 a 17-round magazine, it is now the home-defending victim who commits a new crime.

25 ¹⁸ Phillips, Rich, *Armed Mom Takes Down Home Invader*, CNN (Jan. 11, 2013)
 26 <https://www.cnn.com/2013/01/10/us/home-invasion-gun-rights> (includes video) (last
 27 visited Mar. 22, 2019)

27 ¹⁹ There is an exception for "tubular" magazines which are typically found in lever action
 28 rifles.

²⁰ See n.2-4, *supra*.

1 That is because California law declares acquisition and possession of a magazine able to
2 hold more than ten rounds (*i.e.*, a “large capacity magazine” or “LCM”) a crime. *See*
3 Cal. Penal Code § 32310;²¹ § 16740.²² For simple possession of a magazine holding
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5
6 ²¹ Section 32310 states:

7 (a) Except as provided in Article 2 (commencing with Section 32400) of this chapter and
8 in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in
9 this state who manufactures or causes to be manufactured, imports into the state, keeps
10 for sale, or offers or exposes for sale, or who gives, lends, buys, or receives any large-
11 capacity magazine is punishable by imprisonment in a county jail not exceeding one year
12 or imprisonment pursuant to subdivision (h) of Section 1170.

13 (b) For purposes of this section, “manufacturing” includes both fabricating a magazine
14 and assembling a magazine from a combination of parts, including, but not limited to, the
15 body, spring, follower, and floor plate or end plate, to be a fully functioning large-
16 capacity magazine.

17 (c) Except as provided in Article 2 (commencing with Section 32400) of this chapter and
18 in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, commencing
19 July 1, 2017, any person in this state who possesses any large-capacity magazine,
20 regardless of the date the magazine was acquired, is guilty of an infraction punishable by
21 a fine not to exceed one hundred dollars (\$100) per large-capacity magazine, or is guilty
22 of a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100) per
23 large-capacity magazine, by imprisonment in a county jail not to exceed one year, or by
24 both that fine and imprisonment.

25 (d) Any person who may not lawfully possess a large-capacity magazine commencing
26 July 1, 2017 shall, prior to July 1, 2017:

27 (1) Remove the large-capacity magazine from the state;

28 (2) Sell the large-capacity magazine to a licensed firearms dealer; or

(3) Surrender the large-capacity magazine to a law enforcement agency for
destruction.

Cal. Penal Code § 32310 (2019)(West).

29 ²² Section 16740 states:

30 As used in this part, “large-capacity magazine” means any ammunition feeding device
31 with the capacity to accept more than 10 rounds, but shall not be construed to include any
32 of the following:

33 (a) A feeding device that has been permanently altered so that it cannot
34 accommodate more than 10 rounds.

35 (b) A .22 caliber tube ammunition feeding device.

36 (c) A tubular magazine that is contained in a lever-action firearm.

1 more than 10 rounds, the crime is an infraction under § 32310(c). It is a much more
2 serious crime to acquire a magazine holding more than 10-rounds in California by
3 importing, buying, borrowing, receiving, or manufacturing. These acts may be punished
4 as a misdemeanor or a felony under § 32310(a) (“any person in this state who
5 manufactures or causes to be manufactured, imports into the state, keeps for sale, or
6 offers or exposes for sale, or who gives, lends, buys, or receives any large-capacity
7 magazine is punishable by imprisonment in a county jail not exceeding one year or
8 imprisonment pursuant to subdivision (h) of Section 1170”). Under the subsection’s
9 provision, “or imprisonment pursuant to subdivision (h) of Section 1170,” punishment
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27 Cal. Penal Code § 16740 (2019)(West).
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1 may be either a misdemeanor or a felony.²³ California’s gun laws are lengthy and
 2 complicated.²⁴ The statutes concerning magazines alone are not simple.²⁵

3
 4
 5 ²³ See e.g., *People v. Le Bleu*, 2018 Cal. App. Unpub. LEXIS 7851*1 (Nov. 13, 2018)
 6 (“count 5 charged him with felony receipt of a large-capacity magazine (Pen. Code, §
 7 32310, subd. (a)).”); *People v. Obrien*, 2018 Cal. App. Unpub. LEXIS 4992*1 (July 23,
 8 2018) (based on handgun with 16 rounds of ammunition found under car seat, “[t]he
 9 People charged Obrien in a three-count felony complaint with . . . manufacturing,
 10 importing, keeping for sale, or giving or receiving a large capacity magazine (§ 32310,
 11 subd. (a)).”); *People v. Rodriguez*, 2017 Cal. App. Unpub. LEXIS 5194*1 (July 26, 2017)
 12 (“Defendant Santino Rodriguez pleaded no contest to possessing a large-capacity
 13 magazine, a felony, and the trial court placed him on probation for three years.”); *People*
 14 *v. Verches*, 2017 Cal. App. Unpub. LEXIS 3238*11-12 (May 9, 2017) (California
 15 resident who purchased three 30-round magazines at Nevada gun show and returned to
 16 California charged with felony importation of a large capacity magazine under former
 17 Cal. Pen. Code § 12020(a)(2)).

18 ²⁴ In a dissent, Judge Tallman describes as “substantial” the burden imposed by the
 19 myriad anti-gun legislation in California and the decisions upholding the legislation.
 20 Judge Tallman notes, “Our cases continue to slowly carve away the fundamental right to
 21 keep and bear arms. Today’s decision further lacerates the Second Amendment, deepens
 22 the wound, and resembles the Death by a Thousand Cuts.” *Teixeira v. Cty. of Alameda*,
 23 873 F.3d 670, 694 (9th Cir. 2017), *cert. denied sub nom. Teixeira v. Alameda Cty., Cal.*,
 24 138 S. Ct. 1988 (2018).

25 ²⁵ Here is an example of the way in which the state’s firearm laws are so complex as to
 26 obfuscate the Second Amendment rights of a citizen who intends to abide by the law. A
 27 person contemplating either returning home from an out-of-state hunting trip with a 30-
 28 round rifle magazine or who is considering buying, borrowing, or being given, or making
 his own 15-round handgun magazine, will have to do the following legal research.

First, he or she must find and read § 32310. Hardly a model of clarity, § 32310(a)
 begins with references to unnamed exceptions at “Article 2 (commencing with Section
 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2
 of Title 2.” Once the reader finds the exceptions and determines that he or she is not
 excepted, he or she must still find the definition of a “large-capacity magazine,” itself
 something of a misnomer. Section 32310 is no help. “Large-capacity magazines” are
 defined in a distant section of the Penal Code under § 16740 and defined in terms of an
 uncommonly small number of rounds (10). See n.22, *supra*. Having found § 16740, and
 now mentally equipped with the capacity-to-accept-more-than-10-rounds definition of a
 “large capacity magazine,” the citizen reader can return to § 32310(c) and find that mere
 possession is unlawful and punishable as an increasingly severe infraction.

1
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3 Unfortunately, he or she may incorrectly believe that criminal possession will be his or
4 her only crime if the hunter brings a large capacity magazine back home from the hunting
5 trip, because that is criminalized as “importing” under § 32310(a).

6 And § 32310(a) also covers buying, receiving, and making his or her own large
7 capacity magazine. Even if the citizen realizes that he or she commits a crime by
8 importing, buying, receiving, or manufacturing a large capacity magazine, the citizen will
9 probably read § 32310(a) as punishing these crimes as misdemeanors. However, the
10 careful reader who follows up on the odd reference to section (h) of § 1170 may
11 understand that these offenses may also be punished as felonies. Section 1170(h)(1)
12 states, “[e]xcept as provided in paragraph (3), a felony punishable pursuant to this
13 subdivision where the term is not specified in the underlying offense shall be punishable
14 by a term of imprisonment in the county jail for 16 months, or two or three years.”
15 California refers to such crimes that may be punished as either felonies or misdemeanors
16 as “wobblers.” And is the citizen wrong to think that simply *loaning* a large capacity
17 magazine *is* lawful under § 32415? Section 32415, titled *Loan of lawfully possessed*
18 *large-capacity magazine between two individuals; application of Section 32310*, states,

19 Section 32310 does not apply to the loan of a lawfully possessed large-
20 capacity magazine between two individuals if all of the following conditions are
21 met: (a) The person being loaned the large-capacity magazine is not prohibited by
22 Chapter 1 (commencing with Section 29610), Chapter 2 (commencing with
23 Section 29800), or Chapter 3 (commencing with Section 29900) of Division 9 of
24 this title or Section 8100 or 8103 of the Welfare and Institutions Code from
25 possessing firearms or ammunition[; and] (b) The loan of the large-capacity
26 magazine occurs at a place or location where the possession of the large-capacity
27 magazine is not otherwise prohibited, and the person who lends the large-capacity
28 magazine remains in the accessible vicinity of the person to whom the large-
capacity magazine is loaned.

It is enough to make an angel swear. Suffice it to say that either the law-abiding
hunter returning home with a 30-round rifle magazine, or the resident that receives from
another a 15-round pistol magazine, or the enthusiast who makes a 12-round magazine
out of a 10-round magazine, may be charged not with a minor infraction but with a
felony. And perhaps not ironically, conviction as a felon carries with it the complete
forfeiture of Second Amendment rights for a lifetime. For Second Amendment rights,
statutory complexity of this sort extirpates as it obfuscates. And in the doing, it violates a
person’s constitutional right to due process. “[A] statute which either forbids or requires
the doing of an act in terms so vague that men of common intelligence must necessarily
guess at its meaning and differ as to its application violates the first essential of due
process of law.” *Connally v. General Const. Co.*, 269 U.S. 385, 391 (1926); *see also*
United States v. Lanier, 520 U.S. 259, 266 (1997) (quoting *Connally*).

1 Absent from these provisions is any qualifying language: *all* forms of possession
2 by ordinary citizens are summarily criminalized. For example, the statutes make no
3 distinction between possessing and storing a 15-round magazine at home (a reasonable
4 non-threatening act) and carrying a rifle with a 100-round magazine while sitting outside
5 a movie theatre or school (a potentially threatening and suspicious act). Each constitutes
6 criminal possession and is prohibited outright. *C.f., Friedman v. City of Highland Park*,
7 784 F.3d 406, 417 (7th Cir. 2015) (Manion, J., dissenting) (“Notably absent from this
8 provision is any qualifying language: *all* forms of possession are summarily prohibited.
9 Other laws notwithstanding, the ordinance makes no distinction between storing large-
10 capacity magazines in a locked safe at home and carrying a loaded assault rifle while
11 walking down Main Street. Both constitute ‘possession’ and are prohibited outright.”).
12 According to the U.S. Supreme Court’s reasoning, acquiring, possessing, or storing a
13 commonly-owned 15-round magazine at home for self-defense is protected at the core of
14 the Second Amendment. Possessing a loaded 100-round rifle and magazine in a crowded
15 public area may not be.

16 All Californians, like all citizens of the United States, have a fundamental
17 Constitutional right to keep and bear common and dangerous arms. The nation’s
18 Founders used arms for self-protection, for the common defense, for hunting food, and as
19 a check against tyranny. *Teixeira v. Cty. of Alameda*, 873 F.3d 670, 686 (9th Cir. 2017)

20
21
22 Unfortunately, firearm regulations are often complex and prolix. For example,
23 U.S. House of Representative Steve Scalise, R-La., remarked that a hunter would need to
24 bring along an attorney to make sure the hunter did not accidentally commit a felony under
25 recently proposed federal legislation. According to PBS News Hour, Scalise said,
26 “‘What it would do is make criminals out of law-abiding citizens If you go hunting
27 with a friend and your friend wants to borrow your rifle, you better bring your attorney
28 with you because depending on what you do with that gun you may be a felon if you loan
it to him.’” Matthew Daly, *Gun control legislation pass House, but faces dim prospects
in Senate*, PBS News Hour, [https://www.pbs.org/newshour/politics/gun-control-
legislation-pass-house-but-faces-dim-prospects-in-senate](https://www.pbs.org/newshour/politics/gun-control-legislation-pass-house-but-faces-dim-prospects-in-senate) (last visited Mar. 1, 2019).

1 (en banc) (“[T]he right to bear arms, under both earlier English law and American law at
2 the time the Second Amendment was adopted, was understood to confer a right upon
3 individuals to have and use weapons for the purpose of self-protection, at least in the
4 home.”), and (“The British embargo and the colonists’ reaction to it suggest . . . the
5 Founders were aware of the need to preserve citizen *access* to firearms in light of the risk
6 that a strong government would use its power to disarm the people. Like the British right
7 to bear arms, the right declared in the Second Amendment of the U.S. Constitution was
8 thus ‘meant to be a strong moral check against the usurpation and arbitrary power of
9 rulers, and as a necessary and efficient means of regaining rights when temporarily
10 overturned by usurpation.’”) (citations omitted).

11 Today, self-protection is most important. In the future, the common defense may
12 once again be most important. Constitutional rights stand through time holding fast
13 through the ebb and flow of current controversy. Needing a solution to a current law
14 enforcement difficulty cannot be justification for ignoring the Bill of Rights as bad
15 policy. Bad political ideas cannot be stopped by criminalizing bad political speech.
16 Crime waves cannot be broken with warrantless searches and unreasonable seizures.
17 Neither can the government response to a few mad men with guns and ammunition be a
18 law that turns millions of responsible, law-abiding people trying to protect themselves
19 into criminals. Yet, this is the effect of California’s large-capacity magazine law.

20 II. PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT

21 Plaintiffs have challenged California’s firearm magazine law as being
22 unconstitutional. They now move for summary judgment. The standards for evaluating a
23 motion for summary judgment are well known and have changed little since discussed by
24 the U.S. Supreme Court thirty years ago in a trilogy of cases (*Celotex Corp. v. Catrett*,
25 477 U.S. 317 (1986), *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986), and
26 *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574 (1986)). The standards
27 need not be repeated here.
28

1 **A. The Second Amendment**

2 Plaintiffs contend that there is no genuine dispute that the Second Amendment to
3 the United States Constitution protects the individual right of every law-abiding citizen to
4 acquire, possess, and keep common firearms and their common magazines holding more
5 than 10 rounds – magazines which are typically possessed for lawful purposes. Plaintiffs
6 also contend that the state of California has not carried its burden to demonstrate a
7 reasonable fit between the flat ban on such magazines and its important interests in public
8 safety. Plaintiffs contend that the state’s magazine ban thus cannot survive
9 constitutionally-required heightened scrutiny and they are entitled to declaratory and
10 injunctive relief as a matter of law. Plaintiffs are correct.

11 ***1. The Supreme Court’s Simple Heller Test***

12 In *Heller*, the U.S. Supreme Court provided a simple Second Amendment test in
13 crystal clear language. It is a test that anyone can understand. The right to keep and bear
14 arms is a right enjoyed by law-abiding citizens to have arms that are not unusual “in
15 common use” “for lawful purposes like self-defense.” *District of Columbia v. Heller*,
16 554 U.S. 570, 624 (2008); *Heller v. District of Columbia (“Heller II”)*, 670 F.3d 1244,
17 1271 (2011) (Kavanaugh, J., dissenting) (“In my view, *Heller* and *McDonald* leave little
18 doubt that courts are to assess gun bans and regulations based on text, history, and
19 tradition, not by a balancing test such as strict or intermediate scrutiny.”). It is a
20 hardware test. Is the firearm hardware commonly owned? Is the hardware commonly
21 owned by law-abiding citizens? Is the hardware owned by those citizens for lawful
22 purposes? If the answers are “yes,” the test is over. The hardware is protected.

23 Millions of ammunition magazines able to hold more than 10 rounds are in
24 common use by law-abiding responsible citizens for lawful uses like self-defense. This is
25 enough to decide that a magazine able to hold more than 10 rounds passes the *Heller* test
26 and is protected by the Second Amendment. The simple test applies because a magazine
27 is an essential mechanical part of a firearm. The size limit directly impairs one’s ability
28 to defend one’s self.

1 Neither magazines, nor rounds of ammunition, nor triggers, nor barrels are
2 specifically mentioned in the Second Amendment. Neither are they mentioned in *Heller*.
3 But without a right to keep and bear triggers, or barrels, or ammunition and the
4 magazines that hold ammunition, the Second Amendment right would be meaningless.
5 *Fyock v. City of Sunnyvale*, 779 F.3d 991, 998 (9th Cir. 2015) (“[T]o the extent that
6 certain firearms capable of use with a magazine—*e.g.*, certain semi-automatic
7 handguns—are commonly possessed by law-abiding citizens for lawful purposes, our
8 case law supports the conclusion that there must also be some corollary, albeit not
9 unfettered, right to possess the magazines necessary to render those firearms operable.”);
10 *Teixeira v. Cty. of Alameda*, 873 F.3d 670, 677 (9th Cir. 2017) (en banc) (“We
11 recognized in *Jackson* that, although the Second Amendment ‘does not explicitly protect
12 ammunition, [but] without bullets, the right to bear arms would be meaningless.’ *Jackson*
13 thus held that ‘the right to possess firearms for protection implies a corresponding right’
14 to obtain the bullets necessary to use them.”) (citations omitted); *see also Ass’n of N.J.*
15 *Rifle & Pistol Clubs v. A.G. N.J.*, 910 F.3d 106, 116 (3rd Cir. 2018) (“The law challenged
16 here regulates magazines, and so the question is whether a magazine is an arm under the
17 Second Amendment. The answer is yes. A magazine is a device that holds cartridges or
18 ammunition. Regulations that eliminate ‘a person’s ability to obtain or use ammunition
19 could thereby make it impossible to use firearms for their core purpose.’ Because
20 magazines feed ammunition into certain guns, and ammunition is necessary for such a
21 gun to function as intended, magazines are ‘arms’ within the meaning of the Second
22 Amendment.”) (citations omitted). Consequently, the same analytical approach ought to
23 be applied to both firearms and the ammunition magazines designed to make firearms
24 function.

25 Under the simple test of *Heller*, California’s § 32310 directly infringes Second
26 Amendment rights. It directly infringes by broadly prohibiting common firearms and
27 their common magazines holding more than 10 rounds, because they are not unusual and
28 are commonly used by responsible, law-abiding citizens for lawful purposes such as self-

1 defense. And “that is all that is needed for citizens to have a right under the Second
2 Amendment to keep such weapons.” *Friedman v. City of Highland Park*, 136 S. Ct. 447,
3 449 (2015) (Justices Thomas and Scalia dissenting from denial of certiorari)
4 (commenting on what *Heller*’s test requires). Although it may be argued that a 100-
5 round, or a 50-round, or possibly even a 30-round magazine may not pass the *Heller*
6 hardware test, because they are “unusual,” the State has proffered no credible evidence
7 that would support such a finding. Using the simple *Heller* test, a decision about firearm
8 hardware regulations could end right here.

9 This is not to say the simple *Heller* test will apply to non-hardware firearm
10 regulations such as gun store zoning laws,²⁶ or firearm serial number requirements.²⁷ *Cf.*
11 *Ass’n of N.J. Rifle & Pistol Clubs v. A.G. N.J.*, 910 F.3d 106, 127 (3rd Cir. 2018) (Bibas,
12 J., dissenting) (“Not every gun law impairs self-defense. Our precedent applies
13 intermediate scrutiny to laws that do not affect weapons’ function, like serial-number
14 requirements. But for laws that do impair self-defense, strict scrutiny is apt.”).

15 **2. Commonality**

16 Magazines holding more than 10 rounds are used for self-defense by law-abiding
17 citizens. And they are common.²⁸ Lawful in at least 41 states and under federal law,
18 these magazines number in the millions. Plaintiff’s Exh. 1 (James Curcuruto Report), at
19 3 (“There are at least *one hundred million* magazines of a capacity of more than ten
20 rounds in possession of American citizens, commonly used for various lawful purposes
21

22
23 ²⁶ *Teixeira*, 873 F.3d at 670.

24 ²⁷ *United States v. Marzzarella*, 614 F.3d 85, 101 (3d Cir. 2010), *cert. denied*, 131 S. Ct.
25 958 (2011) (“[W]e hesitate to say Marzzarella’s possession of an unmarked firearm
26 [without a serial number] in his home is unprotected conduct. But because § 922(k)
would pass muster under either intermediate scrutiny or strict scrutiny, Marzzarella’s
conviction must stand.”).

27 ²⁸ Some magazine sizes are, no doubt, more common than others. While neither party
28 spends time on it, it is safe to say that 100-round and 75-round magazines are not nearly
as common as 30-round rifle magazines and 15-round pistol magazines.

1 including, but not limited to, recreational and competitive target shooting, home defense,
2 collecting and hunting.”) (emphasis added); Plaintiff’s Exh. 2 (Stephen Helsley Report),
3 at 5 (“The result of almost four decades of sales to law enforcement and civilian clients is
4 millions of semiautomatic pistols with a magazine capacity of more than ten rounds and
5 likely *multiple millions* of magazines for them.”) (emphasis added); *Fyock*, 779 F.3d at
6 998 (“[W]e cannot say that the district court abused its discretion by inferring from the
7 evidence of record that, at a minimum, magazines are in common use. And, to the extent
8 that certain firearms capable of use with a magazine — e.g., certain semi-automatic
9 handguns — are commonly possessed by law-abiding citizens for lawful purposes, our
10 case law supports the conclusion that there must also be some corollary, albeit not
11 unfettered, right to possess the magazines necessary to render those firearms operable.”);
12 *Ass’n of N.J. Rifle & Pistol Clubs*, 910 F.3d at 116 (“The record shows that *millions of*
13 *magazines* are owned, often come factory standard with semi-automatic weapons, are
14 typically possessed by law-abiding citizens for hunting, pest-control, and occasionally
15 self-defense and there is no longstanding history of LCM regulation.”) (citations omitted)
16 (emphasis added); *NYSR&PA v. Cuomo*, 804 F.3d 242, 255-57 (2nd Cir. 2015) (noting
17 large-capacity magazines are “in common use” as the term is used in *Heller* based on
18 even the most conservative estimates); *Heller v. District of Columbia*, 670 F.3d 1244,
19 1261 (D.C. Cir. 2011) (“We think it clear enough in the record that . . . magazines
20 holding more than ten rounds are indeed in ‘common use’. . . . As for magazines, fully 18
21 percent of all firearms owned by civilians in 1994 were equipped with magazines holding
22 more than ten rounds, and approximately 4.7 million more such magazines were imported
23 into the United States between 1995 and 2000. *There may well be some capacity above*
24 *which magazines are not in common use but*, if so, the record is devoid of evidence as to
25 what that capacity is; in any event, *that capacity surely is not ten.*”) (emphasis added); *cf.*
26 *Hollis v. Lynch*, 827 F.3d 436, 449 (5th Cir. 2016) (noting imprecision of the term
27 “common” by applying the Supreme Court test in *Caetano* of 200,000 stun guns owned
28 and legal in 45 states being “common”); *Wiese v. Becerra*, 306 F. Supp. 3d 1190, 1195

1 n.3 (E.D. Cal. 2018) (“[T]he court holds that California’s large capacity magazine ban
2 burdens conduct protected by the Second Amendment because these magazines are
3 commonly possessed by law-abiding citizens for lawful purposes”); *Ass’n of N.J.
4 Rifle & Pistol Clubs v. Grewal*, 2018 U.S. Dist. LEXIS 167698, at *32-33 (D. N.J. Sep.
5 28, 2018) (“[T]he Court is satisfied, based on the record presented, that magazines
6 holding more than ten rounds are in common use and, therefore, entitled to Second
7 Amendment protection.”); compare *United States v. McCartney*, 357 F. App’x 73, 76
8 (9th Cir. 2009) (“Silencers, grenades, and directional mines are not ‘typically possessed
9 by law-abiding citizens for lawful purposes,’ and are less common than either short-
10 barreled shotguns or machine guns. The weapons involved in this case therefore are not
11 protected by the Second Amendment.”) (citations omitted).

12 The Attorney General argues, even so, that it is permissible to ban common
13 handguns with common magazines holding more than 10 rounds because the possession
14 of firearms with *other* smaller magazines is allowed.²⁹ But *Heller* says, “[i]t is no answer
15 to say . . . that it is permissible to ban the possession of handguns so long as the
16 possession of other firearms (*i.e.*, long guns) is allowed.” 554 U.S. at 629; *Caetano v.
17 Massachusetts*, 136 S. Ct. 1027, 1033 (2016) (Alito, J., and Thomas, J., concurring) (“But
18 the right to bear other weapons is ‘no answer’ to a ban on the possession of protected
19 arms.”). *Heller* says, “It is enough . . . that the American people have considered the
20 handgun to be the quintessential self-defense weapon.” *Id.* California’s complete
21 prohibition of common handguns with commonly-sized magazines able to hold more
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25 ²⁹ California is now in the unique position of being able to say that many firearms are
26 currently sold with magazines holding 10 rounds or less because it banned selling
27 firearms with larger magazines 20 years ago; since that time the marketplace has adapted.
28 Neither party addresses the larger question of whether a state may infringe on a
constitutional right, and then argue that alternatives exist because the marketplace has
adjusted over time. The question is not answered here.

1 than 10 rounds is invalid.³⁰ “A weapon may not be banned unless it is *both* dangerous
2 *and* unusual.” *Caetano v. Massachusetts*, 136 S. Ct. 1027, 1031 (2016) (Alito, J., and
3 Thomas, J., concurring) (emphasis in original).

4 To the extent that magazines holding more than 10 rounds may be less common
5 within California, it would likely be the result of the State long criminalizing the buying,
6 selling, importing, and manufacturing of these magazines. Saying that large capacity
7 magazines are uncommon because they have been banned for so long is something of a
8 tautology. It cannot be used as constitutional support for further banning. *See Friedman*
9 *v. City of Highland Park, Illinois*, 784 F.3d 406, 409 (7th Cir. 2015) (“Yet it would be
10 absurd to say that the reason why a particular weapon can be banned is that there is a
11 statute banning it, so that it isn’t commonly used. A law’s existence can’t be the source
12 of its own constitutional validity.”).

13 Since the 1980s, one of the most popular handguns in America has been the Glock
14 17 pistol, which is designed for, and typically sold with, a 17-round magazine. One of
15 the most popular youth rifles in America over the last 60 years has been the Ruger 10/22.
16 Six million have been sold since it was introduced in 1964. It is designed to use
17 magazines manufactured by Ruger in a variety of sizes: 10-round, 15-round, and 25-
18 round. Over the last three decades, one of the most popular civilian rifles in America is
19 the much maligned AR-15 style rifle. Manufactured with various characteristics by
20 numerous companies, it is estimated that more than five million have been bought since
21 the 1980s. These rifles are typically sold with 30-round magazines. These commonly-

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24 ³⁰ “There are many reasons that a citizen may prefer a handgun for home defense: It is
25 easier to store in a location that is readily accessible in an emergency; it cannot easily be
26 redirected or wrestled away by an attacker; it is easier to use for those without the upper-
27 body strength to lift and aim a long gun; it can be pointed at a burglar with one hand
28 while the other hand dials the police. Whatever the reason, handguns are the most
popular weapon chosen by Americans for self-defense in the home, and a complete
prohibition of their use is invalid.” *Heller*, 554 U.S. at 629.

1 owned guns with commonly-sized magazines are protected by the Second Amendment
2 and *Heller*'s simple test for responsible, law-abiding citizens to use for target practice,
3 hunting, and defense.

4 ***3. Lethality is Not the Test***

5 Some say that the use of "large capacity magazines" increases the lethality of gun
6 violence. They point out that when large capacity magazines are used in mass shootings,
7 more shots are fired, more people are wounded, and more wounds are fatal than in other
8 mass shootings.³¹ That may or may not be true. Certainly, a gun when abused is lethal.
9 A gun holding more than 10 rounds is lethal to more people than a gun holding less than
10 10 rounds, but it is not constitutionally decisive. Nothing in the Second Amendment
11 makes lethality a factor to consider because a gun's lethality, or dangerousness, is
12 assumed. The Second Amendment does not exist to protect the right to bear down
13 pillows and foam baseball bats. It protects guns and every gun is dangerous. "If *Heller*
14 tells us anything, it is that firearms cannot be categorically prohibited just because they
15 are dangerous." *Caetano v. Massachusetts*, 136 S. Ct. 1027, 1031 (2016) (Alito, J. and
16 Thomas, J., concurring); *Maloney v. Singas*, 2018 U.S. Dist. LEXIS 211546 *19
17 (E.D.N.Y. Dec. 14, 2018) (striking down 1974 ban on possession of dangerous nunchaku
18 in violation of the Second Amendment and quoting *Caetano*). "[T]he relative
19 dangerousness of a weapon is irrelevant when the weapon belongs to a class of arms
20 commonly used for lawful purposes." *Id.*

21 California law presently permits the lethality of a gun with a 10-round magazine.
22 In other words, a gun with an 11-round magazine or a 15-round magazine is apparently
23 too lethal to be possessed by a law-abiding citizen. A gun with a 10-round magazine is
24 not. Missing is a constitutionally-permissible standard for testing acceptable lethality.
25 The Attorney General offers no objective standard. *Heller* sets out a commonality
26

27
28 ³¹ See generally, DX-3 Revised Expert Report of Dr. Louis Klarevas.

1 standard that can be applied to magazine hardware: is the size of the magazine
2 “common”? If so, the size is constitutionally-protected.

3 If the “too lethal” standard is followed to its logical conclusion, the government
4 may dictate in the future that a magazine of eight rounds is too lethal. And after that, it
5 may dictate that a gun with a magazine holding three rounds is too lethal since a person
6 usually fires only 2.2 rounds in self-defense. This stepped-down approach may
7 continue³² until the time comes when government declares that only guns holding a single
8 round are sufficiently lacking in lethality that they are both “safe” to possess *and*
9 powerful enough to provide a means of self-defense.³³

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11
12 ³² Constitutional rights would become meaningless if states could obliterate them by
13 enacting incrementally more burdensome restrictions while arguing that a reviewing
14 court must evaluate each restriction by itself when determining its constitutionality.
Peruta v. Cty. of San Diego, 824 F.3d 919, 953 (9th Cir. 2016) (Callahan, J., dissenting).

15 ³³ Artificial limits will eventually lead to disarmament. It is an insidious plan to disarm
16 the populace and it depends on for its success a subjective standard of “necessary”
17 lethality. It does not take the imagination of Jules Verne to predict that if all magazines
18 over 10 rounds are somehow eliminated from California, the next mass shooting will be
19 accomplished with guns holding only 10 rounds. To reduce gun violence, the state will
20 close the newly christened 10-round “loophole” and use it as a justification to outlaw
21 magazines holding more than 7 rounds. The legislature will determine that no more than
22 7 rounds are “necessary.” Then the next mass shooting will be accomplished with guns
23 holding 7 rounds. To reduce the new gun violence, the state will close the 7-round
24 “loophole” and outlaw magazines holding more than 5 rounds determining that no more
25 than 5 rounds is “necessary.” And so it goes, until the only lawful firearm law-abiding
26 responsible citizens will be permitted to possess is a single-shot handgun. Or perhaps,
27 one gun, but no ammunition. Or ammunition issued only to persons deemed trustworthy.

28 This is not baseless speculation or scare-mongering. One need only look at New
Jersey and New York. In the 1990’s, New Jersey instituted a prohibition on what it
would label “large capacity ammunition magazines.” These were defined as magazines
able to hold more than 15 rounds. Slipping down the slope, last year, New Jersey
lowered the capacity of permissible magazines from 15 to 10 rounds. *See Firearms*, 2018
N.J. Sess. Law Serv. Ch. 39 (ASSEMBLY No. 2761) (WEST). At least one bill had been
offered that would have reduced the allowed capacity to only five rounds. (*See New*
Jersey Senate Bill No. 798, introduced in the 2018 Session, amending N.J.S. 2C:39-1(y)

1 As a matter of public policy, people can debate who makes the decision about how
2 much lethality a citizen can possess. As policy, the State says a law-abiding, responsible
3 person needs only 10 rounds. If you judge for yourself that you will need more than 10
4 rounds, however, the crime is yours. And, too bad if you complied with the law but
5 needed 11 rounds to stop an attacker, or a group of attackers, or a mob. Now, you are
6 dead. By living a law-abiding, responsible life, you have just become another “gun
7 violence” statistic. And your statistic may be used to justify further restrictions on gun
8 lethality for future law-abiding citizens.

9 ***4. Conclusion Under Heller Test***

10 In *Heller*, the Supreme Court held that the Second Amendment protects an
11 individual right to possess a “lawful firearm in the home operable for the purpose of
12 immediate self-defense.” *Pena v. Lindley*, 898 F.3d 969, 975 (9th Cir. 2018), *pet’n for*
13 *cert. filed* (1/3/19) (quoting *Heller*, 554 U.S. at 635). “The Court also wrote that the
14 amendment ‘surely elevates above all other interests the right of *law-abiding, responsible*
15

16
17
18 definition of large capacity magazine from 15 to 5 rounds.) Less than a decade ago,
19 sliding down the slope ahead of its neighbor, New York prohibited magazines able to
20 hold more than 10 rounds *and* prohibited citizens from filling those magazines with more
21 than 7 rounds (*i.e.*, a seven round load limit). “New York determined that only
22 magazines containing seven rounds or fewer can be safely possessed.” *New York State*
Rifle & Pistol Ass’n v. Cuomo, 804 F.3d 242, 264 (2nd Cir. 2015) (declaring
unconstitutional New York seven round load limit).

23 Other than the commonality test, there should be no restriction on how many
24 rounds in a magazine a citizen may use for self-defense or to bring for use in a militia.
25 Otherwise, what the Founders sought to avoid will be accomplished in our lifetime. “The
26 problem the Founders sought to avoid was a disarmed populace. At the margins, the
27 Second Amendment can be read various ways in various cases, but there is no way this
28 Amendment, designed to assure an armed population, can be read to allow government to
disarm the population.” *Silveira v. Lockyer*, 328 F.3d 567, 588 (9th Cir. 2003) (Kozinski,
J., dissenting).

1 *citizens* to use arms in defense of hearth and home.” *United States v. Torres*, 911 F.3d
2 1253, 1259 (9th Cir. 2019) (quoting *Heller*, 554 U.S. at 635).

3 California’s law prohibiting acquisition and possession of magazines able to hold
4 any more than 10 rounds places a severe restriction on the core right of self-defense of
5 the home such that it amounts to a destruction of the right and is unconstitutional under
6 any level of scrutiny. *Jackson v. City & Cty. of S.F.*, 746 F.3d 953, 961 (9th Cir. 2014),
7 *cert. denied*, 135 S. Ct. 2799 (2015) (“A law that imposes such a severe restriction on the
8 core right of self-defense that it ‘amounts to a destruction of the Second Amendment
9 right,’ is unconstitutional under any level of scrutiny.”) (citing *Heller*, 554 U.S. at 629);
10 *Silvester v. Harris*, 843 F.3d 816, 821 (9th Cir. 2016), *cert. denied*, 138 S. Ct. 945 (2018)
11 (“A law that imposes such a severe restriction on the fundamental right of self defense of
12 the home that it amounts to a destruction of the Second Amendment right is
13 unconstitutional under any level of scrutiny.”) (citation omitted). The criminalization of
14 a citizen’s acquisition and possession of magazines able to hold more than 10 rounds hits
15 directly at the core of the right of self-defense in the home. It is a complete ban on
16 acquisition. It is a complete ban on possession. It is a ban applicable to all ordinary law-
17 abiding responsible citizens. It is a ban on possession that applies inside a home and
18 outside a home.³⁴

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20
21 ³⁴ “Possession” is a broad concept in California criminal law. Possession may be actual
22 or constructive. “[Possession] does not require that a person be armed or that the weapon
23 [] be within a person’s immediate vicinity.” *In re Charles G.*, 14 Cal. App. 5th 945, 951
24 (Ct. App. 2017), *as modified* (Aug. 31, 2017) (citations omitted). “Rather, it
25 encompasses having a weapon in one’s bedroom or home or another location under his or
26 her control, even when the individual is not present at the location.” *Id.*; *People v.*
27 *Douglas*, No. B281579, 2019 WL 621284, at *4 (Cal. Ct. App. Feb. 13, 2019) (male
28 defendant had constructive possession of box of ammunition in bedroom dresser drawer
where men’s clothing was found mixed with girlfriend’s clothing); *People v. Osuna*, 225
Cal. App. 4th 1020, 1029 (2014), *disapproved on other grounds*, *People v. Frierson*, 4
Cal. 5th 225 (2017) (“A defendant possesses a weapon when it is under his dominion and
control. A defendant has actual possession when the weapon is in his immediate

1 California’s ban goes farther than did the District of Columbia’s ordinance in
2 *Heller*. With respect to long guns, in the *Heller* case, while a citizen was required to keep
3 his or her self-defense firearm inoperable, he or she could still possess the rifle – yet it
4 failed the simple *Heller* test. *Jackson v. City & Cty. of San Francisco*, 135 S. Ct. 2799
5 (2015) (Thomas, J., dissenting from denial of certiorari) (“Less than a decade ago, we
6 explained that an ordinance requiring firearms in the home to be kept inoperable, without
7 an exception for self-defense, conflicted with the Second Amendment because it “made it
8 impossible for citizens to use their firearms for the core lawful purpose of self-defense.”)
9 (citing *Heller*). A government regulation that allowed a person to acquire an arm and
10 allowed a person to possess the arm still failed the *Heller* test. California’s law, which
11 neither allows acquisition, nor possession, nor operation, in the home for self-defense
12 must also fail the *Heller* test.

13 The California ban leaves no room for an ordinary citizen to acquire, keep, or bear
14 a larger capacity magazine for self-defense. There are no permitted alternative means to
15 possess a firearm holding more than 10 rounds for self-defense, regardless of the threat.
16 Compare, e.g., *Wilson v. Lynch*, 835 F.3d 1083, 1093 (9th Cir. 2016) (18 U.S.C.
17 § 922(d)(3) prohibition on selling firearm to marijuana card holder was not severe burden
18 on core Second Amendment rights because the bar applied to “only the sale of firearms to
19 Wilson — not her *possession* of firearms”) (emphasis added); *United States v. Chovan*,
20 735 F.3d 1127, 1138 (9th Cir. 2013) (describing *Heller II*’s reasoning that the District of
21 Columbia’s gun registration requirements were not a severe burden because they do not
22 prevent an individual from *possessing* a firearm in his home or elsewhere). Simply put,
23

24
25 possession or control. He has constructive possession when the weapon, while not in his
26 actual possession, is nonetheless under his dominion and control, either directly or
27 through others.”). The concept of constructive possession of a firearm can also be found
28 in federal criminal law. See e.g., *United States v. Schrag*, 542 F. App’x 583, 584 (9th Cir.
2013) (defendant had constructive possession of wife’s pistol found on top of refrigerator
in the home in violation of probation condition).

1 § 32310's ban on common magazines able to hold more than 10 rounds flunks the simple
2 *Heller* test. Because it flunks the *Heller* test, there is no need to apply some lower level
3 of scrutiny. *Cf. Wrenn v. D.C.*, 864 F.3d 650, 666 (D.C. Cir. 2017) (“*Heller I*’s
4 categorical approach is appropriate here even though our previous cases have always
5 applied tiers of scrutiny to gun laws.”).

6 In addition to their usefulness for self-defense in the home, of course, larger
7 capacity magazines are also lawful arms from home with which militia members would
8 report for duty. Consequently, possession of a larger capacity magazine is also
9 categorically protected by the Second Amendment under *United States v. Miller*, 307
10 U.S. 174 (1939). “*Miller* and *Heller* recognized that militia members traditionally
11 reported for duty carrying ‘the sorts of lawful weapons that they possessed at home,’ and
12 that the Second Amendment therefore protects such weapons as a class, regardless of any
13 particular weapon’s suitability for military use.” *Caetano v. Massachusetts*, 136 S. Ct.
14 1027, 1032 (2016) (Alito, J., concurring) (citations omitted).

15 **B. The Historical Prohibitions Exception**

16 The State argues that the *Heller* test is a non-issue because the *Heller* test does not
17 apply to historically-accepted prohibitions on Second Amendment rights. Large capacity
18 magazines have been the subject of regulations since the 1930s according to the State.
19 Based on this view of history, the State asserts that magazine capacity regulations are
20 historically accepted laws beyond the reach of the Second Amendment. If its historical
21 research is accurate, the State would have an argument. “At the first step of the inquiry,
22 ‘determining the scope of the Second Amendment’s protections requires a textual and
23 historical analysis of the amendment.’” *Teixeira v. Cty. of Alameda*, 873 F.3d 670, 682
24 (9th Cir. 2017), *cert. denied sub nom. Teixeira v. Alameda Cty., Cal.*, 138 S. Ct. 1988
25 (2018) (citation omitted). Courts ask whether the challenged law “falls within a ‘well-
26 defined and narrowly limited’ category of prohibitions ‘that have been historically
27 unprotected,’” *Jackson v. City & Cty. of S.F.*, 746 F.3d 953, 960 (9th Cir. 2014) *cert.*
28 *denied*, 135 S. Ct. 2799 (2015) (citations omitted). “To determine whether a challenged

1 law falls outside the historical scope of the Second Amendment, we ask whether the
2 regulation is one of the ‘presumptively lawful regulatory measures’ identified in *Heller*, or
3 whether the record includes persuasive historical evidence establishing that the regulation
4 at issue imposes prohibitions that fall outside the historical scope of the Second
5 Amendment.” *Id.* (citations omitted).

6 History shows, however, restrictions on the possession of firearm magazines of any
7 size have no historical pedigree. To begin with the regulation at issue, Cal. Penal Code
8 § 32310, applies to detachable magazines. The detachable magazine was invented in the
9 late 19th Century. “In 1879, Remington introduced the first ‘modern’ detachable rifle
10 magazine. In the 1890s, semiautomatic pistols with detachable magazines followed.
11 During WWI, detachable magazines with capacities of 25 to 32-rounds were introduced.”
12 Plaintiff’s Exh. 2 (Stephen Helsley Report), at 4.

13 The oldest statute limiting the permissible size of a detachable firearm magazine, on
14 the other hand, is quite young. In 1990, New Jersey introduced the first ban on detachable
15 magazines, banning magazines holding more than 15 rounds. N.J.S. 2C:39 (1990). Eight
16 other states eventually followed. The federal government first regulated detachable
17 magazines in 1994. The federal statute addressed magazines holding more than 10 rounds
18 but lapsed in 2004 and has not been replaced.

19 To sum up, then, while detachable firearm magazines have been common for a
20 century, government regulation of the size of a magazine is a recent phenomenon and still
21 unregulated in four-fifths of the states. The record is empty of the persuasive historical
22 evidence needed to place a magazine ban outside the ambit of the Second Amendment.
23 Thus, it can be seen that California’s prohibition on detachable ammunition magazines
24 larger than 10 rounds is a type of prohibition that has not been historically accommodated
25 by the Second Amendment.

26 Faced with a dearth of magazine capacity restrictions older than 1990, the Attorney
27 General pivots and tries a different route. He argues that the historical prohibition question
28 is not one of detachable magazine size, but instead is a question of firearm “firing-

1 capacity.” With this change of terms and shift of direction, the Attorney General contends
2 that firearm firing-capacity restrictions have been subject to longstanding regulation dating
3 back to the 1920s. Yet, even his new focus falters under a close look at the historical
4 record.

5 First, firearms with a firing-capacity of more than 10 rounds existed long before the
6 1920s. Plaintiff’s Exh. 2 (Stephen Helsley Report), at 4 (“Firearms with a capacity
7 exceeding 10-rounds date to the ‘dawn of firearms.’ In the late-15th Century, Leonardo Da
8 Vinci designed a 33-shot weapon. In the late 17th Century, Michele Lorenzoni designed a
9 practical repeating flintlock rifle Perhaps the most famous rifle in American history
10 is the one used by Lewis and Clark on their ‘Corps of Discovery’ expedition between 1803
11 and 1806—the magazine for which held twenty-two .46 caliber balls. Rifles with fixed
12 magazines holding 15-rounds were widely used in the American Civil War. During that
13 same period, revolvers with a capacity of 20-rounds were available but enjoyed limited
14 popularity because they were so ungainly.”). Yet, despite the existence of arms with large
15 firing-capacity during the time of the adoption of the Second Amendment, more than a
16 century passed before a firing-capacity law was passed.

17 It is interesting to note that during the Nation’s founding era, states enacted
18 regulations for the formation and maintenance of citizen militias. Three such statutes are
19 described in *United States v. Miller*, 307 U.S. 174 (1939). Rather than restricting firing
20 capacity, they required firing capacity. These statutes required citizens to equip themselves
21 with arms and a minimum quantity of ammunition for those arms. None placed an upper
22 limit of 10-rounds, as § 32310 does. Far from it. Each imposed a floor of at least 20-
23 rounds. *Id.* at 180-83 (Massachusetts law of 1649 required carrying “twenty bullets,” while
24 New York 1786 law required “a Box therein to contain no less than Twenty-four
25 Cartridges,” and Virginia law of 1785 required a cartridge box and “four pounds of lead,
26 including twenty blind cartridges”). In 1776, Paul Revere’s Minutemen (a special group
27 of the Massachusetts militia) were required to have ready 30 bullets and gunpowder. These
28 early American citizen militia laws suggest that, contrary to the idea of a firing-capacity

1 upper limit on the number of rounds a citizen was permitted to keep with one's arms, there
2 was an obligation that citizens would have at least 20 rounds available for immediate use.
3 Simply put, there were no upper limits; there were floors and the floors were well above
4 10 rounds.

5 The Attorney General makes no mention of the founding-era militia firing-capacity
6 minimum requirements. Instead he focuses on a handful of Thompson machine gun-era
7 statutes. In 1927, Michigan passed a restriction on firearms with a firing-capacity over 16
8 rounds. Rhode Island restricted arms with a firing-capacity over 12 rounds. Ohio began
9 licensing firearms with a firing-capacity over 18 rounds in 1933. All were repealed. The
10 District of Columbia first restricted firearms with a firing-capacity of 12 or more rounds in
11 1932. None of these laws set the limit as low as ten.

12 The Attorney General names five additional states that enacted firing-capacity
13 restrictions in the 1930s with capacity limits less than 10 rounds. But he is not entirely
14 accurate. His first example is not an example, at all. For his first example, he says that,
15 “[i]n 1933, South Dakota banned any ‘weapon from which more than *five shots* or bullets
16 may be rapidly or automatically, or semi-automatically discharged from a magazine [by a
17 single function of the firing device].” Def’s Oppo. (4/9/18) at 4 (emphasis in original).
18 Actually, this was not a ban. This was South Dakota’s definition of a machine gun. S.D.
19 Ch. 206 (S.B. 165) *Enacting Uniform Machine Gun Act*, § 1 (1933), Exh. A to Def.’s
20 Request for Judicial Notice (filed 4/9/18) (“‘Machine Gun’ applies to and includes a
21 weapon of any description by whatever name known, loaded or unloaded, from which more
22 than five shots or bullets may be rapidly, or automatically, or semi-automatically
23 discharged from a magazine, by a single function of the firing device.”). In fact, the statute
24 did not ban machine guns. The statute did not criminalize mere possession (except by a
25 felon or by an unnaturalized foreign-born person). Unlike Cal. Penal Code § 32310, the
26 South Dakota statute criminalized possession or use of a machine gun only “for offensive
27 or aggressive purpose,” (Ch. 206 § 3), and added a harsh penalty for use during a crime of
28 violence. Ch. 206 § 2. Specifically excepted from the regulation was possession of a

1 machine gun for defensive purposes. Ch. 206 § 6(3) (“Nothing contained in this act shall
 2 prohibit or interfere with the possession of a machine gun . . . for a purpose manifestly not
 3 aggressive or offensive.”). The 1933 South Dakota statute protected a law-abiding
 4 citizen’s right to possess a machine gun with a firing-capacity over five rounds for self-
 5 defense and defense of home and family and any other purpose not manifestly aggressive
 6 or offensive. California’s § 32310, in contrast, criminalizes for all reasons possession of a
 7 magazine holding more than 10 rounds. So much for the first example.

8 The Attorney General’s second example of a longstanding firing-capacity
 9 prohibition is a Virginia ban enacted in 1934. However, like the first South Dakota
 10 example, the second example is not an example, at all. The Attorney General describes the
 11 law as a ban on firearms that discharge seven rounds rapidly. It is not ban. It also defines
 12 “machine gun.”³⁵ It criminalizes the offensive/aggressive possession of a machine gun³⁶
 13 and it imposes a death penalty for possessing/using a machine gun in the perpetration of a
 14 crime of violence.³⁷ However, most importantly, like the 1933 South Dakota statute, the
 15 1934 Virginia statute protected a law-abiding citizen’s right to possess a machine gun for
 16 self-defense and defense of home and family and any other purpose not manifestly
 17
 18
 19

20 ³⁵ “‘Machine gun’ applies to and includes a weapon . . . from which more than seven
 21 shots or bullets may be rapidly, or automatically, or semi-automatically discharged from
 22 a magazine, by a single function of the firing device, and also applies to and includes
 23 weapons . . . from which more than sixteen shots or bullets may be rapidly, automatically,
 24 semi-automatically or otherwise discharged without reloading.” Virginia Ch. 96, § 1(a)
 (1934), Ex. B to Def.’s Request for Judicial Notice (filed 4/9/18).

25 ³⁶ “Unlawful possession or use of a machine gun for offensive or aggressive purpose is
 26 hereby declared to be a crime. . . .” Virginia Ch. 96, § 3 (1934), Ex. B to Def.’s Request
 27 for Judicial Notice (filed 4/9/18).

28 ³⁷ “Possession or use of a machine gun in the perpetration or attempted perpetration of a
 crime of violence is hereby declared to be a crime punishable by death or by
 imprisonment” Virginia Ch. 96, § 2 (1934), Ex. B to Def.’s Request for Judicial
 Notice (filed 4/9/18).

1 aggressive or offensive.³⁸ As discussed above, California’s § 32310, in criminalizing
2 possession of magazines holding more than 10 rounds, makes no distinction between use
3 for an offensive purpose and use for a defensive purpose. So much for the second example.

4 The Attorney General’s final three examples are state machine gun bans. The first
5 cited is an Illinois enactment (in 1931) described as, “An Act to Regulate the Sale,
6 Possession and Transportation of Machine Guns.” Ex. C to Def.’s Request for Judicial
7 Notice (filed 4/9/18). Louisiana enacted (in 1932) Act No. 80, the second cited, which
8 likewise was passed “to regulate the sale, possession and transportation of machine guns.”
9 Ex. D to Def.’s Request for Judicial Notice (filed 4/9/18). The third cited example is like
10 the first two. It is an Act passed by the South Carolina legislature in 1934 titled, An Act
11 Regulating the Use and Possession of Machine Guns. Ex. E to Def.’s Request for Judicial
12 Notice (filed 4/9/18). These three statutes are examples of machine gun bans that are
13 prohibited because of their ability to continuously fire rounds with a single trigger pull,
14 rather than their overall firing-capacity.

15 Machine guns³⁹ have been subject to federal regulation since the enactment of the
16 National Firearms Act of 1934. *See Sonzinsky v. United States*, 300 U.S. 506, 511-12

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19
20 ³⁸ “Nothing contained in this act shall prohibit or interfere with . . . The possession of a
21 machine gun . . . for a purpose manifestly not aggressive or offensive.” Virginia Ch. 96,
22 §6(Third) (1934), Ex. B to Def.’s Request for Judicial Notice (filed 4/9/18).

23 ³⁹ The Supreme Court knows the difference between the fully automatic military machine
24 gun M-16 rifle, and the civilian semi-automatic AR-15 rifle. *See Staples v. United States*,
25 511 U.S. 600, 603 (1994) (“The AR-15 is the civilian version of the military’s M-16 rifle,
26 and is, unless modified, a semiautomatic weapon. The M-16, in contrast, is a selective
27 fire rifle that allows the operator, by rotating a selector switch, to choose semiautomatic
28 or automatic fire.”); *but see Kolbe v. Hogan*, 849 F.3d 114, 136 (4th Cir. 2017)
29 (“Although an M16 rifle is capable of fully automatic fire and the AR-15 is limited to
30 semiautomatic fire, their rates of fire (two seconds and as little as five seconds,
31 respectively, to empty a thirty-round magazine) are nearly identical. Moreover, in many
32 situations, the semiautomatic fire of an AR-15 is more accurate and lethal than the
33 automatic fire of an M16. Otherwise, the AR-15 shares the military features — the very

1 (1937) (“The term ‘firearm’ is defined by § 1 [of the National Firearms Act] as meaning a
2 shotgun or a rifle having a barrel less than eighteen inches in length, or any other weapon,
3 except a pistol or revolver, from which a shot is discharged by an explosive, if capable of
4 being concealed on the person, *or a machine gun. . . .*”) (emphasis added). Since machine
5 guns are not typically possessed by law-abiding citizens for lawful purposes, they are not
6 protected by the Second Amendment. *Heller*, 554 U.S. at 625; *Friedman v. City of*
7 *Highland Park*, 784 F.3d 406, 408 (7th Cir. 2015) (*Heller* observed, “state militias, when
8 called to service, often had asked members to come armed with the sort of weapons that
9 were ‘in common use at the time’ and it thought these kinds of weapons (which have
10 changed over the years) are protected by the Second Amendment in private hands, while
11 military-grade weapons (the sort that would be in a militia’s armory), such as machine
12 guns, and weapons especially attractive to criminals, such as short-barreled shotguns, are
13 not.”). Because machine guns, like grenades and shoulder-fired rocket launchers, are not
14 commonly possessed by law-abiding citizens for lawful purposes, they are specific arms
15 that fall outside the safe harbor of the Second Amendment. Consequently, these machine
16 gun statutes cited by the Attorney General do not stand as proof of long-standing
17 prohibitions on the firing-capacity of Second Amendment-protected commonly possessed
18 firearms.

19 To reiterate, the earliest regulation of a detachable ammunition magazine limit
20 occurred in New Jersey in 1990 and limited the number of rounds to a maximum of 15.
21 The earliest federal restriction on a detachable magazine was enacted in 1994, limited the
22 maximum number of rounds to 10, and expired after ten years. As to the Attorney
23 General’s alternate argument about “firing-capacity,” the earliest firing-capacity regulation
24 appeared in the 1920s and 1930s in three states (Michigan, Rhode Island, and Ohio) and
25 affected firearms able to fire more than 18, 16, or 12 rounds, depending on the state. No
26

27
28 qualities and characteristics — that make the M16 a devastating and lethal weapon of
war.”).

1 regulation on “firing-capacity” set a limit as low as California’s 10-round limit. Each was
2 repealed and thus not longstanding. Two more states (North Dakota and Virginia) defined
3 a machine gun. Interestingly, while penalizing machine gun use when purposed for
4 aggressive or offensive use, both states also protected citizen machine gun possession for
5 defensive use or any other use that was not manifestly aggressive or offensive. Three other
6 states (Illinois, Louisiana, and South Carolina) simply defined and banned machine guns
7 altogether. The District of Columbia appears to be the single jurisdiction where a firing-
8 capacity restriction has been in place since the 1930s. Even there, the limit was not as low
9 as California’s limit of 10 rounds.

10 On this record, there is no longstanding historically-accepted prohibition on
11 detachable magazines of any capacity. *Ass’n of N.J. Rifle & Pistol Clubs v. A.G. N.J.*, 910
12 F.3d 106, n.18 (3rd Cir. 2018) (“LCMs were not regulated until the 1920s, but most of
13 those laws were invalidated by the 1970s. The federal LCM ban was enacted in 1994, but
14 it expired in 2004. While a lack of longstanding history does not mean that the regulation
15 is unlawful, the lack of such a history deprives us of reliance on *Heller*’s presumption that
16 such regulation is lawful.”) (citations omitted); *Heller v. D.C.*, 670 F.3d 1244, 1260 (D.C.
17 Cir. 2011) (“We are not aware of evidence that prohibitions on either semi-automatic rifles
18 or large-capacity magazines are longstanding and thereby deserving of a presumption of
19 validity.”).

20 Moreover, there is no longstanding historically-accepted prohibition on firearms
21 according to their “firing-capacity” except in the case of automatic fire machine guns. On
22 the other hand, there is an indication that founding-era state regulations, rather than
23 restricting ammunition possession, mandated citizens of militia age to equip themselves
24 with ready ammunition in amounts of at least 20 rounds.

25 **C. The Heightened Scrutiny Test**

26 ***1. Failing the Simple Heller Test***

27 Section 32310 runs afoul of the Second Amendment under the simple *Heller* test.
28 It fails the *Heller* test because it criminalizes a law-abiding citizen’s possession of a

1 common magazine that is used for lawful purposes and prohibits its use for self-defense
2 in and around the home. It strikes at the core of the inalienable Constitutional right and
3 disenfranchises approximately 39 million state residents.

4 This conclusion should not be considered groundbreaking. It is simply a
5 straightforward application of constitutional law to an experimental governmental
6 overreach that goes far beyond traditional boundaries of reasonable gun regulation. That
7 § 32310 was not challenged earlier is due in part to the Ninth Circuit’s pre-*Heller*
8 understanding that an individual lacked Second Amendment rights and thus lacked
9 Article III standing to challenge gun regulations. *See Silveira v. Lockyer*, 312 F.3d 1052,
10 1066–67 (9th Cir. 2002), *as amended* (Jan. 27, 2003) (“Because we hold that the Second
11 Amendment does not provide an individual right to own or possess guns or other
12 firearms, plaintiffs lack standing to challenge the [California Assault Weapons Control
13 Act].”). That was the state of the law when California passed its first iteration of
14 § 32310⁴⁰ with a grandfather clause now called a “loophole” permitting citizens to keep
15 and possess magazines able to hold more than 10 rounds.⁴¹ The lack of an earlier
16 constitutional challenge was also due to the recency of the Supreme Court’s decision that
17 the Second Amendment applies to the states. *See McDonald v. City of Chicago*, 561 U.S.
18 742, 784-85 (2010) (“Under our precedents, if a Bill of Rights guarantee is fundamental
19 from an American perspective . . . that guarantee is fully binding on the States . . .”). In
20 other words, when California began experimenting with its larger-capacity magazine ban
21 less than twenty years ago, it appeared that the Second Amendment conferred no rights
22 on individual citizens and did not apply to the states, and that an individual lacked Article
23 III standing in federal court to challenge the ban. During that time, California passed
24 more and more gun regulations, constricting individual rights further and further, to the
25 point where state undercover agents surveil California residents attending out-of-state
26

27 ⁴⁰ Former § 12020 was re-codified at § 32310, effective Jan. 1, 2012.

28 ⁴¹ The grandfather clause is now described by the State as a loophole.

1 gun shows, obtain search warrants for their homes, and prosecute those returning with a
2 few thirty-round magazines. *See e.g., People v. Verches*, 2017 WL 1880968 (Cal. Ct.
3 App. May 9, 2017) (California resident convicted of marijuana possession and importing
4 three large-capacity magazines purchased at a Reno, Nevada gun show and placed on
5 three years formal felony probation).

6 The magazine ban arbitrarily selects 10 rounds as the magazine capacity over
7 which possession is unlawful. The magazine ban admits no exceptions, beyond those for
8 law enforcement officers, armored truck guards, and movie stars. The ban does not
9 distinguish between citizens living in densely populated areas and sparsely populated
10 areas of the state. The ban does not distinguish between citizens who have already
11 experienced home invasion robberies, are currently threatened by neighborhood burglary
12 activity, and those who have never been threatened. The ban does not distinguish
13 between the senior citizen, the single parent, and the troubled and angry high school
14 drop-out. Most importantly, the ban does not distinguish between possession in and
15 around one's home, and possession in or around outdoor concerts, baseball fields, or
16 school yards. The ban on magazines that hold more than 10 rounds amounts to a
17 prohibition on an entire class of "arms" that is overwhelmingly chosen by American
18 citizens for the lawful purpose of self-defense. The prohibition extends to one's home
19 where the need to defend self, family, and property is most acute. And like the ban struck
20 down in *Heller*, the California ban threatens citizens, not with a minor fine, but a
21 substantial criminal penalty. *Heller*, 554 U.S. at 634 ("The District law, by contrast, far
22 from imposing a minor fine, threatens citizens with a year in prison (five years for a
23 second violation) for even obtaining a gun in the first place. See D. C. Code § 7-
24 2507.06."). "If a law burdens conduct protected by the Second Amendment . . . *Heller*
25 mandates some level of heightened scrutiny." *Bauer v. Becerra*, 858 F.3d 1216, 1221
26 (9th Cir. 2017), *cert. denied*, 138 S. Ct. 982 (2018). Under any level of heightened
27 scrutiny, the ban fails constitutional muster.
28

1 **2. The Tripartite Binary Test with a Sliding Scale and a Reasonable Fit**

2 Beyond the simple *Heller* test, for a Second Amendment question, the Ninth
3 Circuit uses what might be called a tripartite binary test with a sliding scale and a
4 reasonable fit. In other words, there are three different two-part tests, after which the
5 sliding scale of scrutiny is selected. Most courts select intermediate scrutiny in the end.
6 Intermediate scrutiny, in turn, looks for a “reasonable fit.” It is an overly complex
7 analysis that people of ordinary intelligence cannot be expected to understand. It is the
8 wrong standard. But the statute fails anyhow.

9 **a. burden & scrutiny**

10 First, a court must evaluate the burden and then apply the correct scrutiny. *United*
11 *States v. Torres*, 911 F.3d 1253, 1258 (9th Cir. 2019); *Jackson*, 746 F.3d at 960 (citing
12 *United States v. Chovan*, 735 F.3d 1127, 1136-37 (9th Cir. 2013)). “This two-step
13 inquiry: ‘(1) asks whether the challenged law burdens conduct protected by the Second
14 Amendment; and (2) if so, directs courts to apply an appropriate level of scrutiny.’”
15 *Bauer v. Becerra*, 858 F.3d 1216, 1221 (9th Cir. 2017), *cert. denied*, 138 S. Ct. 982
16 (2018) (quoting *Jackson*, 746 F.3d at 960). As discussed, § 32310 burdens conduct
17 protected by the Second Amendment.

18 **b. presumptively lawful or historical regulation**

19 In determining whether a given regulation falls within the scope of the Second
20 Amendment under the first step of this inquiry, another two-step test is used. “[W]e ask
21 whether the regulation is one of the ‘presumptively lawful regulatory measures’
22 identified in *Heller*, or whether the record includes persuasive historical evidence
23 establishing that the regulation at issue imposes prohibitions that fall outside the
24 historical scope of the Second Amendment.” *Id.* (citations omitted). If the regulation is
25 presumptively lawful, the inquiry ends. Likewise, if the regulation is a historically
26 approved prohibition not offensive to the Second Amendment, the inquiry ends.

27 Section 32310 fails both parts of the test. A complete ban on ammunition
28 magazines of any size is not one of the presumptively lawful regulatory measures

1 identified in *Heller*. As discussed, neither is there any evidence that magazine capacity
2 restrictions have a historical pedigree.

3 **c. closeness to the core and severity of the burden**

4 If the constitutional inquiry may continue, then the correct level of scrutiny must
5 be selected. For that selection a third two-step evaluation is required. The first step
6 measures how close the statute hits at the core of the Second Amendment right. The
7 second step measures how severe the statute burdens the Second Amendment right.
8 “Because *Heller* did not specify a particular level of scrutiny for all Second Amendment
9 challenges, courts determine the appropriate level by considering ‘(1) how close the
10 challenged law comes to the core of the Second Amendment right, and (2) the severity of
11 the law’s burden on that right.’” *Bauer v. Becerra*, 858 F.3d 1216, 1222 (9th Cir. 2017),
12 *cert. denied*, 138 S. Ct. 982 (2018) (quoting *Silvester v. Harris*, 843 F.3d 816, 821 (9th
13 Cir. 2016)). *Fyock v. City of Sunnydale*, 779 F.3d 991, 999 (9th Cir. 2015), recognized
14 that a regulation restricting law-abiding citizens from possessing large-capacity
15 magazines within their homes hits at the core of the Second Amendment. *Fyock* said,
16 “[b]ecause Measure C restricts the ability of law abiding citizens to possess large
17 capacity magazines within their homes for the purpose of self-defense, we agree with the
18 district court that Measure C may implicate the core of the Second Amendment.” *Id.*;
19 *Fyock v. City of Sunnyvale*, 25 F. Supp. 3d 1267, 1278 (N.D. Cal. 2014), *aff’d sub nom.*
20 *Fyock v. Sunnyvale*, 779 F.3d 991 (9th Cir. 2015) (“[T]he court concludes that the
21 Sunnyvale law burdens conduct near the core of the Second Amendment right.”). “No
22 one doubts that under *Heller I* this core protection covers the right of a law-abiding
23 citizen to keep in the home common firearms for self-defense.” *Wrenn v. D.C.*, 864 F.3d
24 650, 657 (D.C. Cir. 2017).⁴²

25
26
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28 ⁴² And the core may extend beyond the home. “[W]e conclude: the individual right to carry common firearms beyond the home for self-defense—even in densely populated

1 *Heller* says the core of the Second Amendment is the right of law-abiding,
2 responsible citizens to use arms in defense of their home. 554 U.S. at 635. Guided by
3 this understanding, for selecting the appropriate level of judicial scrutiny, the Ninth
4 Circuit uses a sliding scale. “[O]ur test for the appropriate level of scrutiny amounts to ‘a
5 sliding scale.’” *Silvester*, 843 F.3d at 821. “A law that imposes such a severe restriction
6 on the fundamental right of self-defense of the home that it amounts to a destruction of
7 the Second Amendment right is unconstitutional under any level of scrutiny.” *Bauer v.*
8 *Becerra*, 858 F3d 1216, 1222 (9th Cir. 2017), *cert. denied*, 138 S. Ct. 982 (2018)
9 (quoting *Silvester v. Harris*, 843 F.3d 816, 821 (9th Cir. 2016)). This is the case here.

10 **d. the sliding scale of scrutiny – strict scrutiny**

11 Further down the scale, a law that implicates the core of the Second Amendment
12 right and severely burdens that right warrants *strict scrutiny*. *Pena v. Lindley*, 898 F.3d
13 969, 977 (9th Cir. 2018) (“We strictly scrutinize a ‘law that implicates the core of the
14 Second Amendment right and severely burdens that right.’”) (citation omitted). Even if
15 § 32310’s complete ban did not amount to a destruction of Second Amendment rights, it
16 would still merit the application of strict scrutiny. A law like § 32310 that prevents a
17 law-abiding citizen from obtaining a firearm with enough rounds to defend self, family,
18 and property in and around the home certainly implicates the core of the Second
19 Amendment. When a person has fired the permitted 10 rounds and the danger persists, a
20 statute limiting magazine size to only 10 rounds severely burdens that core right to self-
21 defense.

22 A complete ban on a 100-round or 50-round magazine may be a mild burden. An
23 annual limit on the number of larger capacity magazines that a citizen may purchase
24 might place a moderate burden. A serial number requirement for the future
25 manufacturing, importing, or selling of larger capacity magazines would not be a severe

26 _____
27
28 areas, even for those lacking special self-defense needs—falls within the core of the
Second Amendment’s protections.” *Wrenn v. D.C.*, 864 F.3d 650, 661 (D.C. Cir. 2017).

1 burden. Requiring a background check for purchasers of larger-capacity magazines may
2 or may not be a severe burden. *See e.g., Heller II*, 670 F.3d at 1258 (reasoning that the
3 District of Columbia’s gun registration requirements were not a severe burden because
4 they do not prevent an individual from possessing a firearm in his home).

5 But California’s ban is far-reaching, absolute, and permanent. The ban on
6 acquisition and possession on magazines able to hold more than 10 rounds, together with
7 the substantial criminal penalties threatening a law-abiding, responsible, citizen who
8 desires such magazines to protect hearth and home, imposes a burden on the
9 constitutional right that this Court judges as severe. *Cf. Peruta v. Cty. of San Diego*, 824
10 F.3d 919, 950 (9th Cir. 2016) (en banc) (Callahan, J., dissenting) (courts should consider
11 Second Amendment challenges to firearm restrictions in context to ensure the restrictions
12 are not “tantamount to complete bans on the Second Amendment right to bear arms
13 outside the home for self-defense”), *cert. denied*, 137 S. Ct. 1995 (2017).

14 Some have said that the burden is minor because there are other choices. *E.g.*,
15 *Fyock v. City of Sunnyvale*, 25 F. Supp. 3d 1267, 1278 (N.D. Cal. 2014), *aff’d sub nom.*
16 *Fyock v. Sunnyvale*, 779 F.3d 991 (9th Cir. 2015) (“Individuals have countless other
17 handgun and magazine options to exercise their Second Amendment rights . . .
18 Accordingly, a prohibition on possession of magazines having a capacity to accept more
19 than ten rounds applies only the most minor burden on the Second Amendment.”). But
20 describing as minor, the burden on responsible, law-abiding citizens who may not possess
21 a 15-round magazine for self-defense because there are other arms permitted with 10 or
22 fewer rounds, is like saying that when government closes a Mormon church it is a minor
23 burden because next door there is a Baptist church or a Hindu temple. Indeed, *Heller*
24 itself rejected this mode of reasoning: “It is no answer to say, as petitioners do, that it is
25 permissible to ban the possession of handguns so long as the possession of other firearms
26 (*i.e.*, long guns) is allowed.” 554 U.S. at 629; *see also Parker v. District of Columbia*,
27 478 F.3d 370, 400 (D.C. Cir. 2007) (“The District contends that since it only bans one
28 type of firearm, ‘residents still have access to hundreds more,’ and thus its prohibition

1 does not implicate the Second Amendment because it does not threaten total
2 disarmament. We think that argument frivolous. It could be similarly contended that all
3 firearms may be banned so long as sabers were permitted.”), *aff’d sub nom. Heller*, 554
4 U.S. at 570.

5 Others have acknowledged that the burden on a citizen may be severe but consider
6 it a worthwhile tradeoff. *San Francisco Veteran Police Officers Ass’n v. City & Cty. of*
7 *San Francisco*, 18 F. Supp. 3d 997, 1005 (N.D. Cal. 2014) (“Nonetheless, in those rare
8 cases, to deprive the citizen of more than ten shots may lead to his or her own death. Let
9 this point be conceded.”). In a peaceful society, a 10-round limit may not be severe.
10 When thousands of people are rioting, as happened in Los Angeles in 1992, or more
11 recently with Antifa members in Berkeley in 2017, a 10-round limit for self-defense is a
12 severe burden. When a group of armed burglars break into a citizen’s home at night, and
13 the homeowner in pajamas must choose between using their left hand to grab either a
14 telephone, a flashlight, or an extra 10-round magazine, the burden is severe. When one is
15 far from help in a sparsely populated part of the state, and law enforcement may not be
16 able to respond in a timely manner, the burden of a 10-round limit is severe. When a
17 major earthquake causes power outages, gas and water line ruptures, collapsed bridges
18 and buildings, and chaos, the burden of a 10-round magazine limit is severe. When food
19 distribution channels are disrupted and sustenance becomes scarce while criminals run
20 rampant, the burden of a 10-round magazine limit is severe. Surely, the rights protected
21 by the Second Amendment are not to be trimmed away as unnecessary because today’s
22 litigation happens during the best of times. It may be the best of times in Sunnyvale; it
23 may be the worst of times in Bombay Beach or Potrero. California’s ban covers the
24 entire state at all times.

25 While *Chovan* instructs that the level of scrutiny depends on closeness to the core
26 and “the severity of the law’s burden,” it offers no guide to evaluating the burden. *United*
27 *States v. Chovan*, 735 F.3d 1127, 1138 (9th Cir. 2013). In *Jackson*, the burden of a
28 regulation was not severe. *Jackson v. City & Cty. of San Francisco*, 746 F.3d 953, 964

1 (9th Cir. 2014) (“Section 4512 does not impose the sort of severe burden that requires the
2 higher level of scrutiny.”). In *Jackson*, the court found that the ordinance did not
3 substantially prevent law-abiding citizens from using firearms to defend themselves in
4 the home because it only regulated storage when not carrying them. *Id.* Consequently,
5 the court found that the requirement did not impose a severe burden because, “San
6 Franciscans are not required to secure their handguns while carrying them on their
7 person.” *Id.* In contrast, § 32310 imposes a complete ban on the acquisition and
8 possession of a magazine able to hold more than 10 rounds. It is a crime whether a
9 person is keeping and carrying the magazine for self-defense in the home, while using it
10 for target practice to maintain proficiency, while brandishing it to protect property from
11 rioters, or when needing it for hunting dangerous animals. Strict scrutiny applies.⁴³

12 The State argues that the Ninth Circuit has already determined as a matter of law
13 that intermediate scrutiny applies to large-capacity magazine bans, citing *Fyock*, 779 F.3d
14 at 999. Def.’s Oppo. to Plaintiff’s Mot. for Summary Judgment, at 14. Not so. In the
15 context of an appeal from a preliminary injunction ruling, *Fyock* decided whether the
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17
18 ⁴³ Strict scrutiny is also called for in the context of an armed defense of hearth and home
19 because a person’s privacy interests are protected by the Constitution. The protection for
20 one’s privacy may be near its zenith in the home. Other privacy invasions in the home
21 are subjected to strict scrutiny. “This enactment involves . . . a most fundamental aspect
22 of ‘liberty,’ the privacy of the home in its most basic sense, and it is this which requires
23 that the statute be subjected to ‘strict scrutiny.’” *Poe v. Ullman*, 367 U.S. 497, 548
24 (1961) (applying strict scrutiny to a Connecticut contraceptive criminal statute). “The
25 Fourth and Fifth Amendments were described . . . as protection against all governmental
26 invasions ‘of the sanctity of a man’s home and the privacies of life.’ We recently
27 referred . . . to the Fourth Amendment as creating a ‘right to privacy, no less important
28 than any other right carefully and particularly reserved to the people.’” *Griswold v.*
Connecticut, 381 U.S. 479, 484–85 (1965) (applying strict scrutiny to contraceptive law)
(citations omitted). Just as we would not allow “the police to search the sacred precincts
of the marital bedrooms for telltale signs of the use of contraceptives,” (*id.*), we should
not allow the police to search the private environs of law-abiding, responsible citizens for
self-defense magazines that the State deems too large and dangerous.

1 district court had abused its discretion. The district court made a preliminary judgment
2 that the burden was not severe from Sunnyvale’s large capacity magazine ban. The
3 district court used its discretion and declined to issue a preliminary injunction. *Fyock*
4 decided that the district court had not abused its discretion. Specifically, the *Fyock* court
5 concluded, “For these reasons, there was no abuse of discretion in finding that the impact
6 Measure C may have on the core Second Amendment right is not severe and that
7 intermediate scrutiny is warranted.” *Id.* *Fyock’s* conclusion about the severity of
8 Sunnyvale’s large-capacity magazine ban was fact-bound. It did not announce as a
9 matter of law that magazine capacity bans of any kind never impose a severe burden on
10 Second Amendment rights. Nor could it. Even the least searching form of heightened
11 scrutiny (*i.e.*, intermediate scrutiny) requires the government to establish a reasonable fit.

12 That the assessment of Sunnyvale’s ban was fact-bound is illustrated by its
13 immediately preceding sentence, where the *Fyock* court noted the Sunnyvale ban
14 permitted possession of large-capacity magazines for use with some firearms. *Id.* (“To
15 the extent that a lawfully possessed firearm could not function with a lower capacity
16 magazine, Measure C contains an exception that would allow possession of a large-
17 capacity magazine for use with that firearm.”) (citing Sunnyvale, Cal. Muni. Code §
18 9.44.050(c)(8)). It also imposed a minor penalty and did not make an exception for
19 movie props or retired police officers. As this Court reads it, *Fyock* did not decide that
20 all magazine bans merit only intermediate scrutiny.

21 Section 32310’s wide ranging ban with its acquisition-possession-criminalization
22 components exacts a severe price on a citizen’s freedom to defend the home.
23 Consequently, § 32310 merits strict judicial scrutiny. “A law that implicates the core of
24 the Second Amendment right and severely burdens that right warrants strict scrutiny.”
25 *Silvester v. Harris*, 843 F.3d 816, 821 (9th Cir. 2016) (citing *Chovan*, 735 F.3d at 1138);
26 *compare United States v. Torres*, 911 F.3d 1253, 1262 (9th Cir. 2019) (finding federal
27 ban on firearm possession by an alien while in the United States is not a severe burden
28 because alien may remove himself from the ban by acquiring lawful immigration status);

1 *and Mahoney v. Sessions*, 871 F.3d 873, 879 (9th Cir. 2017), *cert. denied sub nom.*
2 *Mahoney v. City of Seattle, Wash.*, 138 S. Ct. 1441 (2018) (holding that a city policy
3 regulating the use of department-issued firearms while police officers are *on duty* is not a
4 severe Second Amendment burden).

5 Strict scrutiny requires the Government to prove that the restriction on a
6 constitutional right furthers a compelling interest and is narrowly tailored to achieve that
7 interest. *Mance v. Sessions*, 896 F.3d 699, 705-06 (5th Cir. 2018), *pet'n for cert. filed*
8 (Nov. 19, 2018) (applying strict scrutiny in Second Amendment case). California's ban
9 on magazines able to hold more than 10 rounds fails strict scrutiny. The State has not
10 offered a compelling interest for the ban, arguing that intermediate scrutiny should be the
11 test. If preventing mass shootings is the state's interest, it is not at all clear that it would
12 be compelling since such events are exceedingly rare. If the state's interest is in forcing a
13 "pause" during a mass shooting for a shooter to be apprehended, those events are even
14 more rare.

15 More certain, however, is that the ban is not narrowly tailored or the least
16 restrictive means of achieving these interests. Instead it is a categorical ban on
17 acquisition and possession for all law-abiding, responsible, ordinary citizens. Categorical
18 bans are the opposite of narrowly tailored bans. The § 32310 ban on possession applies
19 to areas in the state where large groups gather and where no one gathers. It applies to
20 young persons with long rap sheets and to old persons with no rap sheets. It applies to
21 draft dodgers and to those who have served our country. It applies to those who would
22 have 1000 large magazines for a conflagration and to those who would have one large
23 magazine for self-defense. It applies to perpetrators as well as it applies to those who
24 have been victims. It applies to magazines holding large, powerful rounds and to
25 magazines holding small, more-impotent rounds. It applies to rifles with bump-stocks
26 and pistols for purses.

27 Section 32310 is not narrowly tailored; it is not tailored at all. It fits like a burlap
28 bag. It is a single-dimensional, prophylactic, blanket thrown across the population of the

1 state. As such, § 32310 fails strict scrutiny and violates the Second Amendment. *Cf.*
2 *Mance v. Sessions*, 896 F.3d 390, 405 (5th Cir. 2018) (Ho, J., dissenting from denial of
3 rehearing *en banc*) (“The ban on interstate handgun sales fails strict scrutiny. After all, a
4 categorical ban is precisely the opposite of a narrowly tailored regulation. It applies to all
5 citizens, not just dangerous persons. Instead of requiring citizens to comply with state
6 law, it forbids them from even trying. Nor has the Government demonstrated why it
7 needs a categorical ban to ensure compliance with state handgun laws. Put simply, the
8 way to require compliance with state handgun laws is to require compliance with state
9 handgun laws.”).

10 **e. intermediate scrutiny**

11 Even under the lowest formulation of heightened scrutiny, intermediate scrutiny,
12 Section § 32310 fails because it is not a reasonable fit. *Cf. Morris v. U.S. Army Corps of*
13 *Engineers*, 990 F. Supp. 2d 1082, 1087 (D. Idaho 2014) (banning firearm with
14 ammunition in camping tents imposed *severe burden calling for strict scrutiny but*
15 *unconstitutional even under intermediate scrutiny*). Where a restriction “does not
16 ‘severely burden’ or even meaningfully impact the core of the Second Amendment right,
17 . . . intermediate scrutiny is . . . appropriate.” *Bauer v. Becerra*, 858 F.3d 1216, 1222 (9th
18 Cir. 2017), *cert. denied*, 138 S. Ct. 982, 200 L. Ed. 2d 249 (2018) (citing *Silvester v.*
19 *Harris*, 843 F.3d 816, 821 (9th Cir. 2016) and *United States v. Chovan*, 735 F.3d 1127,
20 1138 (9th Cir. 2013)) (applying intermediate scrutiny to California’s \$19 DROS fee).
21 The State argues as a foregone conclusion that intermediate scrutiny is the correct point
22 on the sliding scale for a regulation on magazines. According to the State, *Fyock’s*
23 approval of “intermediate scrutiny” is controlling, and other courts have applied
24 intermediate scrutiny to regulations on large capacity magazines. As discussed, *supra*,
25 *Fyock* held that the district court did not abuse its discretion in finding Sunnyvale’s
26 magazine capacity restriction did not have a severe impact. 779 F.3d at 999. That
27 approach was consistent with past cases analyzing the appropriate level of scrutiny under
28 the second step of *Heller*, as the Ninth Circuit has typically applied intermediate scrutiny

1 – especially for non-hardware Second Amendment cases. *See e.g., Silvester*, 843 F.3d at
2 823 (applying intermediate scrutiny to ten-day waiting period for the purchase of
3 firearms); *Jackson v. City & Cty. of San Francisco*, 746 F.3d 953, 968 (9th Cir. 2014)
4 (applying intermediate scrutiny to mandatory handgun storage procedures in homes and
5 banning the sale of hollow-point ammunition in San Francisco); *Chovan*, 735 F.3d at
6 1138 (applying intermediate scrutiny to prohibition on domestic violence misdemeanants
7 possessing firearms). But it is the wrong standard to apply here.

8 ***i. tailoring required: “a reasonable fit”***

9 To pass intermediate scrutiny, a statute must still be a reasonable fit. “Our
10 intermediate scrutiny test under the Second Amendment requires that (1) the
11 government’s stated objective . . . be significant, substantial, or important; and (2) there .
12 . . be a ‘reasonable fit’ between the challenged regulation and the asserted objective.”
13 *Silvester*, 843 F.3d at 821–22 (quoting *Chovan*, 735 F.3d at 1139).

14 For intermediate scrutiny “the burden of justification is demanding and it rests
15 entirely on the State.” *Tyler v. Hillsdale County Sheriff’s Dept.*, 837 F. 3d 678, 694 (6th
16 Cir. 2016) (quoting *United States v. Virginia*, 518 U.S. 515, 533 (1996) (considering the
17 constitutionality of 18 U.S.C. § 922(g)(4)’s permanent gun ban for person previously
18 treated for mental illness).

19 ***ii. four important California interests***

20 In this case, the Attorney General identifies four State interests or objectives. Each
21 is important. The State interests are: (1) protecting citizens from gun violence; (2)
22 protecting law enforcement from gun violence; (3) protecting the public safety (which is
23 like protecting citizens and law enforcement from gun violence); and (4) preventing
24 crime. *See Oppo.* at 9; 17-18. The question then becomes, whether § 32310’s ban on
25 acquisition and possession of firearm magazines holding more than 10 rounds is a
26 reasonable fit for achieving these important goals. This Court finds on the evidentiary
27 record before it that § 32310—the prohibition on magazines able to hold more than 10
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1 rounds and the acquisition-possession-criminalization components of § 32310—is not a
2 reasonable fit.

3 The Attorney General says that empirical evidence is not required to shoulder his
4 burden. *Oppo*. at 19. He says that the required substantial evidence demonstrating a
5 reasonable fit can take other, softer forms such as “history, consensus, and simple
6 common sense,” as well as “correlation evidence” and even simply “intuition.” *Oppo*. at
7 19-20. Intuition? If this variety of softer “evidence” were enough, all firearm restrictions
8 except an outright ban on all firearms would survive review. Yet, as the Second Circuit
9 cautioned, “on intermediate scrutiny review, the state cannot ‘get away with shoddy data
10 or reasoning.’ To survive intermediate scrutiny, the defendants must show ‘*reasonable*
11 *inferences based on substantial evidence*’ that the statutes are substantially related to the
12 governmental interest.” *New York State Rifle & Pistol Ass’n, Inc. v. Cuomo*, 804 F.3d
13 242, 264 (2d Cir. 2015), *cert. denied sub nom., Shew v. Malloy*, 136 S. Ct. 2486 (2016)
14 (citations omitted) (emphasis in original) (striking down New York State’s 7-round
15 magazine limit). When considering whether to approve a state experiment that has, and
16 will, irrevocably harm law-abiding responsible citizens who want for lawful purposes to
17 have common firearms and common magazines that hold more than 10 rounds, this Court
18 declines to rely on anything beyond hard facts and reasonable inferences drawn from
19 convincing analysis amounting to substantial evidence based on relevant and accurate
20 data sets.

21 ***iii. the State’s evidence***

22 The State’s theoretical and empirical evidence is not persuasive. Why 10 rounds
23 as a limit? The State has no answer. Why is there no thought given to possession in and
24 around a home? It is inconclusive at best. In fact, it is reasonable to infer, based on the
25 State’s own evidence, that a right to possess magazines that hold more than 10 rounds
26 may promote self-defense – especially in the home – as well as being ordinarily useful
27 for a citizen’s militia use. California must provide more than a rational basis to justify its
28 sweeping ban. *See e.g., Moore v. Madigan*, 702 F.3d 933, 942 (7th Cir. 2012) (“Illinois

1 had to provide us with more than merely a rational basis for believing that its uniquely
2 sweeping ban [on carrying guns in public] is justified by an increase in public safety. It
3 has failed to meet this burden.”).

4 Mass shootings are tragic. But they are rare events. And of these rare events,
5 many are committed without large capacity magazines. For example, in the two high
6 school incidents in 2018 one assailant used a shotgun and a .38 revolver (at Santa Fe
7 High School, Santa Fe, Texas) while the other used an AR-15-style rifle but with 10-
8 round magazines (at Stoneman Douglas High School in Parkland, Florida). In the attack
9 at the Capital Gazette newspaper (Annapolis, Maryland), 5 people were killed and 2
10 injured by an assailant with a shotgun and smoke grenades. The Attorney General has
11 not supplemented the record with a police report of the single mass shooting in California
12 last year (at the Borderline Bar and Grill in Thousand Oaks, California). However, press
13 reports indicate the shooter used a legally purchased pistol with an “extended”
14 magazine.⁴⁴ Another report said seven 30-round magazines were found at the scene.⁴⁵
15 Eighteen years of a state ban on acquiring large-capacity magazines did not prevent the
16 assailant from obtaining and using the banned devices. The news pieces do not report
17 witnesses describing a “critical pause” when the shooter re-loaded. And the stories do
18 not say where or how the 30-round magazines were acquired.

19 The findings from the Mayors Against Illegal Guns survey 2009-2013 (AG Exhibit
20 17), were addressed in the Order of June 28, 2017. *See also, AG Oppo. To Mot PI,*
21 *Gordon Declaration Exh. 59.* The observations are still true. “To sum up, of the 92 mass
22 killings occurring across the 50 states between 2013 and 2009, only ten occurred in
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24
25 ⁴⁴ Aarthun, Sarah and Adone, Dakin, *What We Know About the Shooting at Borderline*
26 *Bar & Grill*, CNN (Nov. 9, 2018) <https://www.cnn.com/2018/11/08/us/thousand-oaks-bar-shooting-what-we-know/index.html> (last visited Mar. 26, 2019).

27 ⁴⁵ *Authorities Describe 'Confusion And Chaos' at Borderline Bar Shooting in California*,
28 NPR (Nov. 28, 2018) <https://www.npr.org/2018/11/28/671353612/no-motive-yet-found-for-mass-shooting-at-borderline-bar-and-grill> (last visited Mar. 26, 2019).

1 California. Of those ten, the criminalization and dispossession requirements of § 32310
2 would have had no effect on eight of the shootings, and only marginal good effects had it
3 been in effect at the time of the remaining two shootings. On this evidence, § 32310 is
4 not a reasonable fit. It hardly fits at all. It appears on this record to be a haphazard
5 solution likely to have no effect on an exceedingly rare problem, while at the same time
6 burdening the Constitutional rights of many other California law-abiding responsible
7 citizen-owners of gun magazines holding more than 10 rounds.”

8 In opposition to the motion for summary judgment, the state attempts to bolster the
9 data from the Mayors’ survey with a Mother Jones Magazine 36-year survey of mass
10 shootings from 1982 to 2018. See *Oppo. to MSJ* Exhibit 16.⁴⁶ The Mother Jones
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14 ⁴⁶ This Court has observed that the quality of the evidence relied on by the State is
15 remarkably thin. The State’s reliance and the State’s experts’ reliance on compilations
16 such as the Mother Jones Magazine survey is an example. The survey is found in the
17 Attorney General’s Opposition to Plaintiff’s Motion for Summary Judgment at Exhibit
18 37. It purports to be a survey of mass shootings. It does not indicate how its data is
19 selected, or assembled, or tested. It is unaccompanied by any declaration as to its
20 accuracy. It is probably not peer-reviewed. It has no widely-accepted reputation for
21 objectivity. While it might be something that an expert considers in forming an
22 admissible opinion, the survey by itself would be inadmissible under the normal rules of
23 evidence.

24 The State says that the survey “has been cited favorably in numerous cases,” citing
25 three decisions. *Id.* at n. 13. Of the three cases listed, however, the survey is not
26 mentioned at all in one case, mentioned only as something an expert relied on in the
27 second case, and mentioned only in passing as “exhaustive” but without analysis in the
28 third. On the other hand, after the Attorney General’s brief was filed, the Third Circuit
noted issues with the Mother Jones Magazine survey, remarking, “Mother Jones has
changed its definition of a mass shooting over time, setting a different minimum number
of fatalities or shooters, and may have omitted a significant number of mass shooting
incidents.” *Ass’n of New Jersey Rifle & Pistol Clubs, Inc. v. Attorney Gen. New Jersey*,
910 F.3d 106, 113 (3d Cir. 2018); see also *Ass’n of New Jersey Rifle & Pistol Clubs, Inc.*
v. Grewal, No. 3:17CV10507PGSLHG, 2018 WL 4688345, at *5 (D.N.J. Sept. 28, 2018)
(state’s expert Lucy Allen admitted that the Mother Jones survey omitted 40% of mass
shooting cases).

1 findings are even less convincing than those from the Mayors' survey. Mother Jones
2 Magazine lists 98 mass shooting events in the last 36 years. This is an average of 2.72
3 events per year in the entire United States. Of the 98 events over the last 36 years, 17
4 took place in California. This is an average of one event every two years in the most
5 populous state in the nation.

6 According to data from this 36-year survey of mass shootings, California's
7 prohibition on magazines holding more than 10 rounds would have done nothing to keep
8 a shooter from shooting more than 10 rounds. That is because normally the perpetrator
9 brings multiple weapons.⁴⁷ The more weapons, the greater the firepower and the greater
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11
12 In another case about prison conditions, a Mother Jones Magazine article was
13 stricken as inadmissible for purposes of summary judgment, which is how such writings
14 would usually be treated. See *Aaron v. Keith*, No. 1:13-CV-02867, 2017 WL 663209, at
15 *2 (W.D. La. Feb. 14, 2017) (striking a Mother Jones article from the record and
16 remarking, "[t]he case law is consistent: newspaper articles are hearsay and do not
17 constitute competent summary judgment evidence.").

18 ⁴⁷ For example each of the following incidents involved multiple firearms: (1) Yountville
19 3/9/18: shotgun and rifle; (2) Rancho Tehema 11/14/17: two illegally modified rifles; (3)
20 San Francisco 6/14/17: two pistols, one with 30-round magazine stolen in Utah (per
21 [http://www.foxnews.com/us/2017/06/24/police-ups-shooter-in-san-francisco-armed-with-](http://www.foxnews.com/us/2017/06/24/police-ups-shooter-in-san-francisco-armed-with-stolen-guns.html)
22 [stolen-guns.html](http://www.foxnews.com/us/2017/06/24/police-ups-shooter-in-san-francisco-armed-with-stolen-guns.html)); (4) Fresno 4/18/17: one revolver; (5) San Bernardino 12/2/15:
23 (terrorists) two rifles, two pistols, and a bomb; (6) Santa Barbara 5/23/14: three pistols
24 and two hunting knives; (7) Alturas 2/20/14: two handguns and a butcher knife; (8) Santa
25 Monica 6/7/13: pistol, rifle assembled from parts, bag of magazines, and vest (per
26 [http://www.scpr.org/news/2013/06/09/37636/police-look-for-motive-in-santa-monica-](http://www.scpr.org/news/2013/06/09/37636/police-look-for-motive-in-santa-monica-shooting-on/)
27 [shooting-on/](http://www.scpr.org/news/2013/06/09/37636/police-look-for-motive-in-santa-monica-shooting-on/)); (9) Oakland 4/2/12: one pistol (with four 10-round magazines, per
28 [https://www.mercurynews.com/2012/04/04/oakland-university-shooting-one-goh-](https://www.mercurynews.com/2012/04/04/oakland-university-shooting-one-goh-charged-with-seven-counts-of-murder-may-be-eligible-for-death-penalty/)
[charged-with-seven-counts-of-murder-may-be-eligible-for-death-penalty/](https://www.mercurynews.com/2012/04/04/oakland-university-shooting-one-goh-charged-with-seven-counts-of-murder-may-be-eligible-for-death-penalty/)); (10) Seal
Beach 10/12/11: two pistols and a revolver; (11) Goleta 1/30/06: one pistol (shooter lived
in New Mexico where pistol and 15-round magazine were legally purchased, per
<https://www.independent.com/news/2013/jan/31/goleta-postal-murders/>); (12) Orange
12/18/97: one rifle (actually a rifle, shotgun, and handgun, per LA Times article at
<http://articles.latimes.com/1997/dec/19/news/mn-172>); (13) San Francisco 7/11/93: three
pistols; (14) Olivehurst 5/1/92: sawed-off rifle and a shotgun; (15) Stockton 1/17/89: rifle
and pistol; (16) Sunnyvale 2/16/88: two pistols, two revolvers, two shotguns, and a rifle;
(17) San Ysidro 7/18/84: one pistol, one rifle, and a shotgun.

1 the potential for casualties. In 14 of the 17 California mass shooting events, multiple
2 weapons were brought. For example, in the 1988 mass shooting event in Sunnyvale, the
3 shooter brought two pistols, two revolvers, two shotguns, and a bolt action rifle (all
4 obtained legally). No large capacity magazines were used. *See* AG Exh.16, at 736⁴⁸;
5 DX-10 at 517 (Appendix B, Case No.91).

6 California's large capacity magazine prohibition also had no effect on the three
7 single weapon mass shooting events. In the Fresno event in April 2017, a revolver was
8 used. For those unschooled on firearms, a revolver does not use a magazine of any size.
9 In the next mass shooting event in Oakland in April 2012, the shooter used a pistol with
10 four California-legal 10-round magazines. In the third mass shooting event in Goleta in
11 January 2006, the shooter did use a pistol with a 15-round magazine.⁴⁹ However, the
12 shooter resided in New Mexico. She purchased the firearm and its 15-round magazine
13 legally in New Mexico. She then traveled into California to Goleta to the postal facility
14 where she had been employed three years prior. By 2006, California already prohibited a
15 person from bringing into the state a large capacity magazine, but it did not prevent the
16 Goleta tragedy from taking place.

17 In fact, only three of the 17 California mass shooting events reported in the Mother
18 Jones 36-year survey featured a large capacity magazine used by the shooter. One is the
19 Goleta event described above where the magazine was legally purchased in another state
20 and illegally brought into California. The second event is like the Goleta event. In San
21 Francisco June 2017, a perpetrator used two pistols, both stolen. One pistol had a 30-
22 round magazine.⁵⁰ This firearm was reported stolen in Utah and must have been illegally
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25 ⁴⁸ The Mother Jones survey does not say that large capacity magazines were used.

26 ⁴⁹ The Mother Jones survey does not say that large capacity magazines were used,
27 however newspapers reported a 15-round magazine was found. *See*
28 <https://www.independent.com/news/2013/jan/31/goleta-postal-murders/>.

⁵⁰ *See* <http://www.foxnews.com/us/2017/06/24/police-ups-shooter-in-san-francisco-armed-with-stolen-guns> (last visited Mar. 26, 2019).

1 imported into California.⁵¹ The other pistol had been reported stolen in California, but
2 news reports do not mention a large capacity magazine.⁵² It bears noting that California's
3 large capacity magazine prohibition did not prevent these mass shootings.

4 The third event is the Santa Monica June 2013 event where the shooter was armed
5 with multiple firearms and 40 large-capacity magazines. As the Court pointed out in its
6 earlier order, in the Santa Monica incident, the shooter brought multiple firearms. He
7 used an AR-15, a revolver, and 3 zip guns. He reportedly possessed forty 30-round
8 magazines. He killed five victims. The survey notes that the AR-15 and the illegal
9 magazines may have been illegally imported from outside of California. Receiving and
10 importing magazines holding any more than 10 rounds was already unlawful under
11 California law at the time of the Santa Monica tragedy. In that instance, criminalizing
12 possession of magazines holding any more than 10 rounds likely would not have
13 provided any additional protection from gun violence for citizens or police officers. Nor
14 would it have prevented the crime.

15 To summarize, the 36-year survey of mass shootings by Mother Jones magazine
16 put forth by the AG as evidence of the State's need for § 32310, undercuts its own
17 argument. The AG's evidence demonstrates that mass shootings in California are rare,
18 and its criminalization of large capacity magazine acquisition and possession has had no
19 effect on reducing the number of shots a perpetrator can fire. The only effect of § 32310
20 is to make criminals of California's 39 million law-abiding citizens who want to have
21 ready for their self-defense a firearm with more than 10 rounds.

22 Some would say that this straight up reading and evaluation of the State's main
23 evidence places "too high [an] evidentiary burden for the state." *Duncan v. Becerra*,
24 742 F. App'x 218, 223 (9th Cir. 2018) (dissent). They would say that "the question is not
25 whether the state's evidence satisfies the district court's subjective standard of
26

27 ⁵¹ *Id.*

28 ⁵² *Id.*

1 empiricism.” *Id.* These voices would not test the state’s evidence. They would not
2 require the same rigor a judge usually employs to test the accuracy and persuasiveness of
3 a party’s evidence. Once the state offers any evidence, the evidence would simply be
4 accepted and deemed sufficient to prove the reasonableness of the fit of the regulation for
5 state’s experimental solution.

6 For example, according to this view, the Mayors’ survey “easily satisfies” the
7 state’s evidentiary burden. *Id.* It can be said that the Mother Jones Magazine survey
8 does meet the very low standard of “relevant.” But relevant evidence does not mean
9 persuasive, substantial, or admissible evidence. That a survey of news articles collected
10 by a biased interest group shows that out of 98 examples, not a single shooter was limited
11 to 10 shots while § 32310 was in effect (or would have been limited to 10 shots if had §
12 32310 been in effect), is not substantial or persuasive evidence of § 32310’s reasonable
13 fit. Certainly, the evidence need not be perfect or overwhelming. But for a statute that
14 trenches on a constitutional right, the state’s explanation for such a law needs to have
15 some enduring substance or gravitas, like the Liberty Bell.

16 Where did this idea come from, the idea that a court is *required* to fully credit
17 evidence only “reasonably believed to be relevant?” *Fyock*, 779 F.3d at 1000. Or the
18 critique that a court errs by employing a “subjective standard of undefined empirical
19 robustness.” *Duncan*, 742 F. App’x at 224 (dissent). *Pena v. Lindley*, 898 F.3d 969 (9th
20 Cir. 2018) (*pet’n for cert. filed*) advances this soft approach. “We do not impose an
21 unnecessarily rigid burden of proof.” *Id.* at 979. We allow California to rely on any
22 material reasonably believed to be relevant to substantiate its interests.” *Id.* “We are
23 weighing a legislative judgment, not evidence in a criminal trial.” *Id.* “We should not
24 conflate legislative findings with ‘evidence’ in the technical sense.” *Id.* But, when did
25 we jettison Senator Kennedy’s observation and become deferential, if not submissive, to
26 the State when it comes to protecting constitutional rights?

27 This is federal court. The Attorney General has submitted two unofficial surveys
28 to prove mass shootings are a problem made worse by firearm magazines holding more

1 than 10 rounds. Do the surveys pass the Federal Rule of Evidence Rule 403 test for
2 relevance? Yes. Are the surveys admissible under Federal Rule of Evidence Rule 802?
3 No. They are double or triple hearsay. No foundation has been laid. No authentication
4 attempted. Are they reliable? No. Are they anything more than a selected compilation
5 of news articles – articles which are themselves inadmissible? No. Are the compilers
6 likely to be biased? Yes.⁵³

7 Where are the actual police investigation reports? The Attorney General,
8 California's top law enforcement officer, has not submitted a single official police report
9 of a shooting. Instead, the Attorney General relies on news articles and interest group
10 surveys. Federal Constitutional rights are being subjected to litigation by inference about
11 whether a pistol or a rifle in a news story might have had an ammunition magazine that
12 held more than 10 rounds. This is not conflating legislative findings with evidence in the
13 technical sense. This is simply evaluating the empirical robustness of evidence in the
14 same objective way used every day by judges everywhere. Perhaps this is one more
15

16
17 ⁵³ The organization that published the Mayors' survey changed its name to Everytown for
18 Gun Safety. Everytown for Gun Safety keeps a running tally of school shootings. A
19 Washington Post piece noted that "Everytown has long inflated its total by including
20 incidents of gunfire that are not really school shootings." The Washington Post identified
21 an example of an Everytown shooting incident. There a 31-year old man committed
22 suicide outside an elementary school that had been closed for seven months. "There were
23 no teachers. There were no students." See John Woodward Cox and Steven Rich, *No,
24 There Haven't Been 18 School Shootings in 2018 - That Number is Flat Wrong*, Wash.
25 Post (Feb. 15, 2018) https://www.washingtonpost.com/local/no-there-havent-been-18-school-shooting-in-2018-that-number-is-flat-wrong/2018/02/15/65b6cf72-1264-11e8-8ea1-c1d91fcec3fe_story.html?noredirect=on&utm_term=.4100e2398fa0 (last visited
26 Mar. 26, 2019).

27 The U.S. Department of Education does no better. It reported nearly 240 school-
28 related shootings in 2015-2016. But NPR did an investigation and could confirm only 11
incidents. See Kamenetz, Anya, Arnold, Alexis, and Cardinali, Emily, *The School
Shootings That Weren't*, NPR Morning Edition (Aug. 27, 2018),
<https://www.npr.org/sections/ed/2018/08/27/640323347/the-school-shootings-that-werent>
(last visited mar. 26, 2019).

1 reason why the Second Amendment has been described as “the Rodney Dangerfield of
2 the Bill of Rights.” *Mance v. Sessions*, 896 F.3d 390, 396 (5th Cir. 2018) (Willett, J.,
3 dissenting). Obeisance to *Heller* and the Second Amendment is offered and then given
4 *Emeritus* status, all while its strength is being sapped from a lack of exercise.

5 According to *Pena*, “[w]e do not substitute our own policy judgment for that of the
6 legislature,” protests the Attorney General. *Pena*, 898 F.3d at 979. “We owe the
7 legislature’s findings deference,” says the State. *Id.* This case is not about weak-kneed
8 choice between competing policy judgments. Deference in the sphere of pure political
9 policy is understandable. But that is not this case.

10 This case is about a muscular constitutional right and whether a state can impinge
11 and imprison its citizens for exercising that right. This case is about whether a state
12 objective is possibly important enough to justify the impingement. The problem with
13 according deference to the state legislature in this kind of a case, as in the *Turner*
14 *Broadcasting* approach, is that it is exactly the approach promoted by dissenting Justice
15 Breyer and *rejected* by the Supreme Court’s majority in *Heller*.⁵⁴ Yet, *Turner* deference
16 arguments live on like legal zombies lurching through Second Amendment jurisprudence.

17 Even with deference, meaningful review is required. “Although we do accord
18 substantial deference to the predictive judgments of the legislature when conducting
19 intermediate scrutiny, the State is not thereby insulated from meaningful judicial review.”
20

21
22 ⁵⁴ In his dissent, Justice Breyer made the ultimately-rejected deference argument clear:
23 “There is no cause here to depart from the standard set forth in *Turner*, for the District’s
24 decision represents the kind of empirically based judgment that legislatures, not courts,
25 are best suited to make. In fact, deference to legislative judgment seems particularly
26 appropriate here, where the judgment has been made by a local legislature, with
27 particular knowledge of local problems and insight into appropriate local solutions.
28 Different localities may seek to solve similar problems in different ways, and a ‘city must
be allowed a reasonable opportunity to experiment with solutions to admittedly serious
problems.’” *District of Columbia v. Heller*, 554 U.S. 570, 704-05 (2008) (Breyer, J.,
dissenting) (citations omitted).

1 *Heller v. District of Columbia*, 670 F.3d 1244, 1259 (D.C. Cir. 2011) (quoting *Turner II*,
2 520 U.S. at 195 & *Turner I*, 512 U.S. at 666) (internal quotations omitted)). Quite the
3 contrary, a court must determine whether the legislature has “based its conclusions upon
4 substantial evidence.” *Turner II*, 520 U.S. at 196. Despite whatever deference is owed,
5 the State still bears the burden “affirmatively [to] establish the reasonable fit we require.”
6 *Bd. of Trs. of State Univ. of N.Y. v. Fox*, 492 U.S. 469, 480 (1989). Simply noting that a
7 study has been offered and experts have opined, is an inadequate application of
8 intermediate scrutiny, even when according deference to the predictive judgment of a
9 legislature. *Turner* itself shows why. There, the Supreme Court extensively analyzed
10 over the course of *twenty pages* the empirical evidence cited by the government, and only
11 then concluded that the government’s policy was grounded on reasonable factual findings
12 supported by evidence that is substantial for a legislative determination.” *See Turner II*,
13 520 U.S. at 196-224.

14 There is another problem with according deference in this case. Strictly put, this
15 case is not solely about legislative judgments because § 32310(c) and (d) are the products
16 of a ballot proposition. No federal court has deferred to the terms of a state ballot
17 proposition where the proposition trenches on a federal constitutional right:

18 As one court stated, no court has accorded legislative deference to ballot
19 drafters. Legislatures receive deference because they are better equipped
20 than the judiciary to amass and evaluate the vast amounts of data bearing
21 upon complex and dynamic issues. Because the referendum process does
22 not invoke the same type of searching fact finding, a referendum’s fact
23 finding does not “justify deference.”

23 *Vivid Entm’t, LLC v. Fielding*, 965 F. Supp. 2d 1113, 1127 (C.D. Cal. 2013), *aff’d*, 774
24 F.3d 566 (9th Cir. 2014) (citations and internal quotations omitted); *see also California*
25 *Prolife Council Political Action Comm. v. Scully*, 989 F. Supp. 1282, 1299 (E.D.
26 Cal.1998), *aff’d*, 164 F.3d 1189 (9th Cir. 1999) (“Because the referendum process does
27 not invoke the same type of searching fact finding, a referendum’s fact finding does not
28 justify deference.”). The initiative process inherently lacks the indicia of careful debate

1 that would counsel deference. *Carver v. Nixon*, 72 F.3d 633, 645 (8th Cir. 1995) (process
2 of legislative enactment includes deliberation, compromise and amendment, providing
3 substantial reasons for deference that do not exist with respect to ballot measures);
4 *Yniguez v. Arizonans for Official English*, 69 F.3d 920, 945 (9th Cir. 1995), *vacated on*
5 *other grounds*, 520 U.S. 43 (1997) (deference normally accorded legislative findings does
6 not apply with same force when First Amendment rights are at stake; in addition, because
7 measure was a ballot initiative, it was not subjected to extensive hearings or considered
8 legislative analysis before passage); *Daggett v. Webster*, No. 98-223-B-H, 1999 WL
9 33117158, at *1 (D. Me. May 18, 1999) (no court has given legislative deference to a
10 ballot proposition).

11 In this case, as in *Scully*, California argues that *Turner Broadcasting* requires
12 deference be given to the predictive judgments embodied in its statute. The *Scully* court
13 rejected the approach. It reasoned persuasively:

14 [T]he deference formulation, however, ignores the context of the quotation
15 which requires federal courts to “accord substantial deference to the predictive
16 judgments of Congress.” Thus, the deference recognized in *Turner* is the
17 consequence, at least in part, of the constitutional delegation of legislative
18 power to a coordinate branch of government, a factor not present in the instant
19 case. Of course, this is not to say that the predictive judgments of state
20 legislatures are not entitled to due weight. It would seem odd, however, that
21 this court would be required to give greater deference to the implied predictive
22 judgments of a state’s legislation than the state’s own courts would. In this
23 regard, California courts accord deference to the predictive judgments of their
24 legislature on a sliding scale, according significant deference to economic
25 judgments, but employing “greater judicial scrutiny” “when an enactment
26 intrudes upon a constitutional right.” It is of course true that deference in the
27 federal courts is not simply a function of the separation of powers doctrine. It
28 also rests upon the legislative branch being “better equipped than the judiciary
to ‘amass and evaluate the vast amounts of data’ bearing upon . . . complex
and dynamic” issues. Once again, given that the statutes at bar are the product
of the initiative process, their adoption did not enjoy the fact gathering and
evaluation process which in part justifies deference. In any event, the
deference federal courts accord legislative predictive judgments “does not
mean . . . that they are insulated from meaningful judicial review altogether.
On the contrary, we have stressed in First Amendment cases that the deference

1 afforded to legislative findings does ‘not foreclose our independent judgment
2 of the facts bearing on an issue of constitutional law.’” Thus, courts are
3 obligated to “assure that, in formulating its judgments, Congress has drawn
4 reasonable inferences, based on substantial evidence.”

5 *California Prolife Council Political Action Comm*, 989 F. Supp. at 1299 (citations
6 omitted). The 2016 amendments to § 32310 were added by ballot measure and are owed
7 no legislative deference by this Court. The remaining part of § 32310 is the product of
8 ordinary legislation. Impinging on a federal constitutional right as it does, it is not
9 insulated from meaningful judicial review.

10 The legislative deference doctrine fits better where the subject is technical and
11 complicated. One example is the regulation of elections. *See Nixon v. Shrink Missouri*
12 *Gov’t PAC*, 528 U.S. 377, 402–03 (2000) (“Where a legislature has significantly greater
13 institutional expertise, as, for example, in the field of election regulation, the Court in
14 practice defers to empirical legislative judgments—at least where that deference does not
15 risk such constitutional evils as, say, permitting incumbents to insulate themselves from
16 effective electoral challenge.”). Another is the regulation of public broadcast media.
17 *Columbia Broadcasting System, Inc. v. Democratic National Committee*, 412 U.S. 94,
18 103 (1973) (“That is not to say we ‘defer’ to the judgment of the Congress and the
19 Commission on a constitutional question, or that we would hesitate to invoke the
20 Constitution should we determine that the Commission has not fulfilled its task with
21 appropriate sensitivity to the interests in free expression. The point is, rather, that when
22 we face a complex problem with many hard questions and few easy answers we do well
23 to pay careful attention to how the other branches of Government have addressed the
24 same problem.”). Even in these areas of deference, federal courts do not swallow whole
25 a state’s legislative judgment.

26 Instead, a court must resolve such a challenge by an analytical process that
27 parallels its work in ordinary litigation. It must first consider the character and
28 magnitude of the asserted injury to the rights protected by the First and Fourteenth
 Amendments that the plaintiff seeks to vindicate. It then must identify and
 evaluate the precise interests put forward by the State as justifications for the

1 burden imposed by its rule. In passing judgment, the Court must not only
2 determine the legitimacy and strength of each of those interests; it also must
3 consider the extent to which those interests make it necessary to burden the
4 plaintiff's rights.

5 *Anderson v. Celebrezze*, 460 U.S. 780, 789–90 (1983). From broadcasting regulation
6 comes another example of deference. Even so, deference there does not mean merely
7 observant acquiescence when First Amendment rights are concerned. “That Congress’
8 predictive judgments are entitled to substantial deference does not mean, however, that
9 they are insulated from meaningful judicial review altogether. On the contrary, we have
10 stressed in First Amendment cases that the deference afforded to legislative findings does
11 ‘not foreclose our independent judgment of the facts bearing on an issue of constitutional
12 law.’” *Sable Communications of Cal., Inc. v. FCC*, 492 U.S. 115, 129 (1989). Threats to
13 Second Amendment rights ought to be treated with at least the same rigor.

14 The Attorney General argues that the state “must be allowed a reasonable
15 opportunity to experiment with solutions to admittedly serious problems.” This notion
16 was first expressed in *Young v. American Mini Theatres, Inc.*, 427 U.S. 50, 71 (1976).
17 The context was a city zoning choice from a different era about where to permit adult
18 theaters. Wrote the Court, “[i]t is not our function to appraise the wisdom of its decision
19 to require adult theaters to be separated rather than concentrated in the same areas.” *Id.*
20 “Since what is ultimately at stake is nothing more than a limitation on the place where
21 adult films may be exhibited” and “few of us would march our sons and daughters off to
22 war to preserve the citizen’s right to see ‘Specified Sexual Activities’ exhibited in the
23 theaters of our choice,” the Court accorded the city authority to experiment. *Id.* That is
24 not comparable to the deadly serious question of whether the state may experiment with a
25 low 10-round limit on the number of shots a person may have in her pistol for protection.
26 In any event, should courts be so deferential when the State chooses to experiment with
27 other constitutionally protected rights?

28 The notion of permitting a city to experiment with zoning decisions about the
 unwanted secondary effects of adult commercial enterprises, was repeated in *City of*

1 *Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 52 (1986), and echoed in *Jackson v. City*
2 *and County of San Francisco*, 746 F.3d 953, 969 (9th Cir. 2014) (approving a city ban on
3 sales of hollow point ammunition). *Jackson* was a Second Amendment case that
4 reasoned that a city prohibition affected “only the sale of hollow-point ammunition
5 within San Francisco, not the use or possession of such bullets” and concluded, “[s]uch a
6 sales prohibition burdens the core right of keeping firearms for self-defense only
7 indirectly, because Jackson is not precluded from using the hollow-point bullets in her
8 home if she purchases such ammunition outside of San Francisco’s jurisdiction.” The
9 *Jackson* hollow-point ordinance is far different than California’s § 32310. Under
10 § 32310, no person may use a magazine holding more than 10-rounds for self-defense in
11 her home even if she purchases it outside of the state. Instead, she will become a
12 criminal subject to arrest, prosecution, conviction, and incarceration. This kind of
13 government experimentation, the Second Amendment flatly prohibits.

14 No case has held that intermediate scrutiny would permit a state to impinge even
15 slightly on the Second Amendment right by employing a known failed experiment.
16 Congress tried for a decade the nationwide experiment of prohibiting large capacity
17 magazines. It failed. California has continued the failed experiment for another decade
18 and now suggests that it may continue to do so *ad infinitum* without demonstrating
19 success. That makes no sense.

20 *iv. the important interests of the State*

21 The state has important interests. Public safety. Preventing gun violence.
22 Keeping our police safe. At this level of generality, these interests can justify any law
23 and virtually any restriction. Imagine the crimes that could be solved without the Fourth
24 Amendment. The state could search for evidence of a crime anywhere on a whim.
25 Without the First Amendment, the state could better police the internet. The state could
26 protect its citizens from child pornography, sex trafficking, and radical terrorists. The
27 state could limit internet use by its law-abiding citizens to, say, 10 hours a day or 10
28 websites a day. Perhaps it could put an end to Facebook cyberbullying.

1 The Attorney General articulates four important objectives to justify this new
2 statutory bludgeon. They all swing at reducing “gun violence.” The bludgeon swings to
3 knock large capacity magazines out of the hands of criminals. If the bludgeon does not
4 work, then the criminals still clinging to their large capacity magazines will be thrown in
5 jail while the magazines are destroyed as a public nuisance. The problem is the bludgeon
6 indiscriminately hammers all that is in its path. Here, it also hammers magazines out of
7 the hands of long time law-abiding citizens. It hammers the 15–round magazine as well
8 as the 100–round drum. And it throws the law-abiding, self-defending citizen who
9 continues to possess a magazine able to hold more than 10 rounds into the same jail cell
10 as the criminal. Gun violence to carry out crime is horrendous and should be condemned
11 by all and punished harshly. Defensive gun violence may be the only way a law-abiding
12 citizen can avoid becoming a victim. The right to keep and bear arms is not the only
13 constitutional right that has controversial public safety implications. All of the
14 constitutional provisions that impose restrictions on law enforcement and on the
15 prosecution of crimes fall into the same category. *McDonald v. City of Chicago, Ill.*, 561
16 U.S. 742, 783 (2010).

17 *v. an ungainly “fit”*

18 “[T]he next question in our intermediate scrutiny analysis is whether the law is
19 ‘narrowly tailored to further that substantial government interest.’ . . . As the Supreme
20 Court succinctly noted in a commercial speech case, narrow tailoring requires ‘a fit
21 between the legislature’s ends and the means chosen to accomplish those ends.’”
22 *Minority Television Project, Inc. v. F.C.C.*, 736 F.3d 1192, 1204 (9th Cir. 2013) (*quoting*
23 *Bd. of Tr. of the State Univ. of New York v. Fox*, 492 U.S. 469, 480 (1989)).

24 The “fit” of § 32310 is, at best, ungainly and very loose. That is all that it takes to
25 conclude that the statute is unconstitutional. The fit is like that of a father’s long raincoat
26 on a little girl for Halloween. The problem of mass shootings is very small. The state’s
27 “solution” is a triple extra-large and its untailed drape covers all the law-abiding and
28 responsible of its 39 million citizens. Some of the exceptions make the “fit” even worse.

1 For example, § 32310 makes an exception for retired peace officers, but not for CCW
2 holders or honorably discharged members of the armed forces. There is no evidence that
3 a retired peace officer has better firearms training.⁵⁵ And in any event, for whatever
4 training they receive, does it matter that they are trained to use a 10-round magazine, a
5 15-round magazine, a 30-round magazine, and if so, what is the difference? The State
6 does not provide any insight. Another example is the exception for movie props. Why in
7 the interest of public safety does the movie industry need to use a genuine large capacity
8 magazine for a prop? Is it too far-fetched to require the Hollywood creators of Mickey
9 Mouse, Jaws, and Star Wars, to use a non-working magazine in place of a genuine large
10 capacity magazine? Most importantly by far, however, is that the cloak of the law needs
11 at least some arm holes to fit. It has none because it ignores the fact that magazines
12 holding more than 10 rounds are commonly possessed by law-abiding, responsible
13 citizens, and it affords no room for these citizens to defend their homes against attack.

14 A reasonable fit to protect citizens and law enforcement from gun violence and
15 crime, in a state with numerous military bases and service men and service women,
16 would surely permit the honorably discharged member of the U.S. Armed Forces who
17 has lawfully maintained a magazine holding more than 10 rounds for more than twenty
18 years to continue to keep and use his or her magazine. These citizens are perhaps the best
19 among us. They have volunteered to serve and have served and sacrificed to protect our
20 country. They have been specially trained to expertly use firearms in a conflict. They
21 have proven their good citizenship by years of lawfully keeping firearms as civilians.

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23
24 ⁵⁵ A similar exception for retired police officers permitting possession and use of
25 otherwise banned assault weapons in California, was declared unconstitutional in *Silveira*
26 *v. Lockyer*, 312 F.3d 1052, 1091 (9th Cir. 2002) (“We thus can discern no legitimate state
27 interest in permitting retired peace officers to possess and use for their personal pleasure
28 military-style weapons. Rather, the retired officer’s exception arbitrarily and
unreasonably affords a privilege to one group of individuals that is denied to others,
including plaintiffs.”).

1 What possibly better citizen candidates to protect the public against violent gun-toting
2 criminals.

3 Similarly, a reasonable fit would surely make an exception for a Department of
4 Justice-vetted, privately-trained, citizen to whom the local sheriff has granted a permit to
5 carry a concealed weapon, and who owns a weapon with a magazine holding more than
6 10 rounds. California's statute does not except such proven, law-abiding, trustworthy,
7 gun-owning individuals. Quite the opposite. Under the statute, all these individuals will
8 be subject to criminal prosecution, should they not dispossess themselves of magazines
9 holding more than 10 rounds.

10 Ten years of a federal ban on large-capacity magazines did not stop mass shootings
11 nationally. Twenty years of a California ban on large capacity magazines have not
12 stopped mass shootings in California. Section 32310 is a failed policy experiment that
13 has not achieved its goal. But it has daily trenched on the federal Constitutional right of
14 self-defense for millions of its citizens. On the full record presented by the Attorney
15 General, and evidence upon which there is no genuine issue, whatever the fit might be, it
16 is not a reasonable fit.

17 *vi. irony*

18 Perhaps the irony of § 32310 escapes notice. The reason for the adoption of the
19 Second Amendment was to protect the citizens of the new nation from the power of an
20 oppressive state. The anti-federalists were worried about the risk of oppression by a
21 standing army. The colonies had witnessed the standing army of England marching
22 through Lexington to Concord, Massachusetts, on a mission to seize the arms and
23 gunpowder of the militia and the Minutemen—an attack that ignited the Revolutionary
24 war. With Colonists still hurting from the wounds of war, the Second Amendment
25 guaranteed the rights of new American citizens to protect themselves from oppressors
26 foreign and domestic. So, now it is ironic that the State whittles away at the right of its
27 citizens to defend themselves from the possible oppression of their State.

28

1 *vii. turning the Constitution upside down*

2 In the year 2000, California started its “experiment” in banning magazines holding
3 more than 10-rounds. The statute included a grandfather clause permitting lawful owners
4 of larger magazines to keep them. *See Senate Committee Rpt (Perata) SB 23 (Mar.*
5 *1999)*, (“The purpose of this bill is to make all but the possession of ‘large-capacity
6 magazines’ a crime punishable as an alternative misdemeanor/felony (‘wobbler’)”; “The
7 bill would make it a crime to do anything with detachable large capacity magazines after
8 January 1, 2000 – except possess and personally use them – punishable as a
9 misdemeanor/felony.”; “One could still possess those magazines after January 1,
10 2000.”).⁵⁶ Relying at least in part on the State’s representation, law-abiding citizens did
11 not object. Time passed. Now, these still law-abiding owners of larger magazines are
12 told that the grandfather clause is a dangerous “loophole” that needs closing. Section
13 2.12 of Proposition 63 declared, “Today, California law prohibits the manufacture,
14 importation and sale of military-style, large capacity ammunition magazines, but does not
15 prohibit the general public from possessing them. *We should close that loophole.* No
16 one except trained law enforcement should be able to possess these dangerous
17 ammunition magazines.” (Emphasis added.) Plaintiffs who have kept their own larger
18 capacity magazines since 1999, and now face criminal sanctions for continuing to possess
19 them, no doubt feel they have been misled or tricked by their lawmakers.

20 The Attorney General explains that the grandfathering provision made the prior
21 version of § 32310 very difficult to enforce. Because large capacity magazines lack
22 identifying marks, law enforcement officers are not able to tell the difference between
23 grandfathered magazines and more recently smuggled, or manufactured, illegal
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28 ⁵⁶ <http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml> (last visited March 12,
2019).

1 magazines.⁵⁷ Consequently, explains the Attorney General, “the possession loophole in
2 Section 32310 undermined existing LCM restrictions.” Def.’s Oppo. to Ps’ MSJ, at 7. In
3 an analogous First Amendment case, the Supreme Court called this approach turning the
4 Constitution upside down. The Court explained:

5 We confronted a similar issue in *Ashcroft v. Free Speech Coalition*, 535 U.S.
6 234 (2002), in which the Government argued that virtual images of child
7 pornography were difficult to distinguish from real images. The
8 Government’s solution was “to prohibit both kinds of images.” We rejected
9 the argument that “protected speech may be banned as a means to ban
10 unprotected speech,” concluding that it “turns the First Amendment upside
11 down.” As we explained: “The Government may not suppress lawful speech
as the means to suppress unlawful speech. Protected speech does not
become unprotected merely because it resembles the latter. The Constitution
requires the reverse.”

12 *Federal Election Comm’n v. Wisconsin Right to Life, Inc.*, 551 U.S. 449, 474–75 (2007)
13 (finding issues advocacy may not be suppressed even though it is sometimes difficult to
14 distinguish it from advocacy for the election or defeat of a candidate which may be
15 regulated). The analog is that the State may not now ban lawfully-kept large capacity
16 magazines owned since 1999 as a means to ban large capacity magazines unlawfully
17 manufactured or imported after January 1, 2000. Lawful arms do not become
18 unprotected merely because they resemble unlawful arms. “The Government’s proposed
19 prophylaxis – to protect against the violations of the few, we must burden the
20 constitutional rights of the many – turns the Second Amendment on its head. Our
21 Founders crafted a Constitution to promote the liberty of the individual, not the
22 convenience of the Government.” *Mance v. Sessions*, 896 F.3d 390, 405 (5th Cir. 2018)
23 (Ho, J., dissenting from denial of rehearing en banc), *pet’n for cert. filed* (Nov. 21, 2018).

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26 ⁵⁷ California could have addressed this concern by requiring a serial number on
27 manufactured or imported large capacity magazines, as did the federal law. *See e.g.*, 27
28 C.F.R. § 478.92(c)(1) (“Each person who manufactures or imports any large capacity
ammunition feeding device manufactured after September 13, 1994, shall legibly identify
each such device with a serial number.”).

1 *viii. other arguments*

2 **(1). uniquely dangerous?**

3 The State argues that magazines able to hold more than 10 rounds are uniquely
4 dangerous because they enable a shooter to fire more rounds in a given period, resulting
5 in more shots fired, more victims wounded, more wounds per victim, and more fatalities.
6 Actually, many larger capacity magazines are not uniquely dangerous because they are
7 not much larger. For example, a 12 or 15-round magazine is commonly owned and only
8 slightly larger than the permitted 10-round magazines and enables a shooter to fire
9 slightly more rounds, resulting only sometimes in slightly more rounds fired, or slightly
10 more victims wounded, or slightly more wounds per victim, or slightly more fatalities.
11 Conversely, a 12 or 15-round magazine may be the slight, but saving, difference needed
12 for an overwhelmed homeowner trying to protect herself from a group of attacking
13 invaders. The State may be correct that a 100-round magazine is uniquely dangerous.

14 The State relies on expert witness, Professor Louis Klarevas. Professor Klarevas
15 says that banning large capacity magazines will reduce violence and force shooters to
16 take a critical pause. *See* DX-3. However, in a piece by Professor Klarevas dated 2011,
17 he offers that the Tucson shooting would have likely still happened with a ban on high
18 capacity magazines. He wrote, “But, even if . . . the federal government were to ban
19 extended clips, the sad fact is that the Tucson shooting likely still would have happened .
20 . . . Moreover, even if Loughner showed up with a six-bullet revolver as opposed to a 30-
21 round Glock, he likely still would have shot people. What’s more, a person set on
22 inflicting mass casualties will get around any clip prohibitions by having additional clips
23 on his person (as Loughner did anyway) or by carrying more than one fully loaded
24 weapon.”⁵⁸

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27 ⁵⁸ Klarevas, Louis, *Closing the Gap*, *The New Republic* (Jan. 13, 2011),
28 <https://newrepublic.com/article/81410/us-gun-law-reform-tucson> (last visited May 1,
2018).

1 use of large capacity magazines. He explains, “[a]ssessing trends in LCM use is much
2 more difficult because there was, and is, no national data source on crimes with LCMs,
3 and few local jurisdictions maintain this sort of information.” *Id.* at 139. He notes,
4 “there is little evidence on how state LCM bans affect the availability and use of LCMs
5 over time.” *Id.* at n. 29. He states, “[p]erhaps most importantly, to the best of my
6 knowledge, there have not been any studies examining the effects of LCM laws that ban
7 LCMs without grandfathering, as done by the new California statute. Hence, these
8 studies have limited value in assessing the potential effectiveness of California’s new
9 law.” *Id.* Finally, Dr. Koper acknowledges that while he does have an opinion, it is *not*
10 based on a study of § 32310. He explains, “I have not undertaken any study or analysis
11 of this law.” *Id.* at 146.

12 (4.) Daniel W. Webster

13 The State also relies on the expert report of Daniel W. Webster, a professor of
14 health policy and management. *See* DX-18 at 775. Professor Webster also has an
15 opinion, but foundational data is vaporous. For example, Webster notes that,
16 “[u]nfortunately, data to more definitively determine the connections between
17 ammunition capacity and gun violence outcomes—the number of shots fired, the rate of
18 fire, the number of victims, the number of wounds per victims, lethality of woundings—
19 have not been collected in any population.” *Id.* at 780-81. For his own analysis, Webster
20 relies, in part, on Dr. Koper’s re-analysis, of his graduate student’s analysis, of Mother
21 Jones Magazine’s collection of shooting incidents. *Id.* at 780 (“Similarly, Professor
22 Christopher Koper’s re-analysis of his student’s data from Mother Jones magazine’s
23 study of public mass murders with firearm. . . .”). Webster also acknowledges the
24 paucity of data-based analysis regarding mass shootings. He admits, “[a]lthough no
25 formal, sophisticated analyses of the data on mass shootings in public places by lone
26 shooters for the period 1982-2012 collected by Mother Jones magazine has been
27 performed to my knowledge, a temporal pattern can be discerned that is consistent with a
28 hypothesized protective effect of the federal assault weapon and LCM ban and a harmful

1 effect of the expiration of that ban.” *Id.* at 787-88. He also says, “[t]o date, there are no
 2 studies that have examined separately the effects of an assault weapons ban, on the one
 3 hand, and a LCM ban, on the other hand” *Id.* at 790. Webster opines that a
 4 magazine limit lower than 10 rounds could be justified. *Id.* at 791.

5 **(5.) John J. Donohue**

6 The State also relies on the expert report of John J. Donohue, a professor of law at
 7 Stanford Law School. *See* DX-2. According to his report in this case, he also prepared
 8 an expert report in the *Fyock* case. *Id.* at ¶ 6. Some of his observations should be
 9 discounted. Professor Donohue reports that national surveys “consistently find a
 10 persistent decline in household gun ownership,” describing a 2013 report from the Pew
 11 Research Center. *Id.* at ¶ 14 and n.5. He describes this as reliable social science data. *Id.*
 12 at ¶ 15. The Court reviewed the Pew Research piece he cited. The first sentence notes
 13 the absence of definitive data, cautioning that, “[t]here is no definitive data source from
 14 the government or elsewhere” on gun ownership rates.⁶⁰ It says that surveys provide
 15 conflicting results. In the paragraph directly following the portion quoted in Professor
 16 Donohue’s expert report, the Pew Research report describes a Gallup Organization
 17 survey. That survey concludes not that there has been a persistent decline, but rather that
 18 the gun ownership rate of 43% is “the same as it was 40 years earlier.”⁶¹

19 Professor Donohue also opines that private individuals, unlike police officers,
 20 “only need to scare off criminals (or hold them off until the police arrive).” *Id.* at ¶ 21.
 21 This is obviously a generalization. The generalization would not have been true for
 22 Susan Gonzalez or the mother of twins whose assailants were not scared off despite each
 23 victim emptying her gun. *See* n.2 & 4, *supra*. Instead of “holding them off till the police
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 26 ⁶⁰ Pew Research Center, *Why Own a Gun? Protection is Now Top Reason, Section 3: Gun Ownership trends and Demographics* (Mar. 12, 2013) <http://www.people-press.org/2013/03/12/section-3-gun-ownership-trends-and-demographics> (last visited Apr. 30, 2018), at 1.

28 ⁶¹ *Id.* at 2.

1 arrived,” the only assailants remaining at the scene when the police arrived in any of the
2 three incidents described above was a fatally-wounded assailant. Professor Donohue
3 again generalizes in his conclusion opining that a 10-round magazine “is sufficient” and
4 higher capacity magazines are “not required” for defending one’s home. Dx-2 at 9.
5 Again, generalizations like these are no more than generalizations, and personal, not
6 expert, opinions. Yet, for such an important context as the defense of self and loved
7 ones, generalizations are dangerous. Relying on generalizations like these may lead to a
8 thousand underreported tragedies for law-abiding citizen victims who were supposed to
9 need only 2.2 rounds and no more than 10 rounds to scare off criminal assailants.

10 **(6.) Carlisle Moody**

11 The State provides the deposition testimony of Carlisle Moody, a professor, who
12 opines that, “[f]irearms fitted with large capacity magazines can be used to cause death
13 and injury in public shooting incidents, and can also result in more rounds fired and more
14 homicides in general than similar firearms with smaller magazines,” but concedes this
15 conclusion is simply theoretical. DX-7 at 472-73 (Q. And what is the basis for that
16 statement? How did you arrive at that conclusion? A. Just theoretically.”). Furthermore,
17 the same can be said of a 10-round magazine versus a 7-round magazine, or a 7-round
18 magazine versus a 2-round Derringer.

19 **(7.) Sandy Hook commission**

20 The State relies on the report of a commission reviewing the Sandy Hook shooting.
21 DX-28. However, it misquotes the commission’s findings, saying “[d]ue to their
22 lethality, LCMs ‘pose a distinct threat to safety in private settings as well as places of
23 assembly.’” Def. Opposition to Plaintiff’s Motion for Summary Judgment at 11. What
24 was reported is, “[t]he Commission found that certain types of ammunition and
25 magazines that were readily available at the time it issued its Interim Report posed a
26 distinct threat to safety in private settings as well as in places of assembly.” *Id.* at 1097.
27 The commission goes on to recommend a ban on armor-piercing and incendiary bullets (a
28 good idea) as well as large-capacity magazines (without specifying size). *Id.*

1 **(8.) large magazines not characteristically used for home?**

2 The State asserts that large capacity magazines are not “weapons of the type
3 characteristically used to protect the home,” citing *Hightower v. City of Boston*, 693 F.3d
4 61, 71 (1st Cir. 2012). *Hightower* was unconcerned with magazine size. Instead, it was a
5 regulatory challenge brought by a former law enforcement officer whose permit to carry
6 a revolver was revoked. Any inference to be drawn about magazines from the one-half
7 sentence quoted is dicta. There is no convincing evidence that magazines holding more
8 than 10 rounds are not characteristically used to protect one’s home. The large numbers
9 in circulation and human nature suggests otherwise. “The right to bear arms enables one
10 to possess not only the means to defend oneself but also the self-confidence—and
11 psychic comfort—that comes with knowing one could protect oneself if necessary.”
12 *Grace v. District of Columbia*, 187 F.Supp.3d 124, 150 (D.D.C. 2016).

13 **(9.) large magazines cause collateral damage?**

14 The State argues that where a larger capacity magazine-equipped firearm is used in
15 lawful self-defense, the magazines can cause collateral damage and injury when civilians
16 fire more rounds than necessary, thereby endangering themselves and bystanders. Yet,
17 one of the State’s experts, Lucy P. Allen, opines that defenders average only 2.3 shots per
18 defensive incident and that no one has shot more than 10 rounds in defense.⁶² This
19 implies that on average, a magazine able to hold more than 10 rounds in the hands of a
20 citizen firing in self-defense, will not cause any additional collateral damage and will not
21 increase any danger to themselves or bystanders. State expert John J. Donahue goes
22 farther and opines that private individuals only need to “brandish” a gun to scare off
23 criminals. So, the notion that a stray round may penetrate a wall does not translate into
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26 ⁶² Gary Kleck testified that no one has researched the question of whether defensive gun
27 use requires more than 10 rounds. Nevertheless, violent crimes where victims face
28 multiple offenders are commonplace and it requires more than one round to shoot one
attacker. DX-8 at 490.

1 any greater risk of bystander injury when a large capacity magazine is used by a defender
2 since it will likely be used only for brandishing or for the average 2.3 shots. Even safer
3 may be a large capacity magazine on an AR-15 type of rifle as it is likely to be more
4 persuasive when brandished at criminal assailants than would a five-shot revolver. It is
5 worth noting that in evaluating the strength of the government's fear of bystander injury,
6 the State has not identified one incident where a bystander was hurt from a citizen's
7 defensive gun use, much less a defensive use of a gun with a high capacity magazine.
8 The worrisome scenario is improbable and hypothetical.

9 **(10.) mass shooters prefer large magazines?**

10 The State argues that mass shooters often use large capacity magazines precisely
11 because they inflict maximum damage on as many people as possible. Perhaps this is
12 true. There are no police investigative reports provided recounting a mass shooter's
13 answer to the question: why select a large-capacity magazine. More importantly, many
14 mass shooters do not select large capacity magazines, at all. The two incidents involving
15 mass shootings at public high schools in 2018 are good examples. Instead of a pistol or
16 rifle and large-capacity magazines, a shotgun and a revolver were the firearms selected
17 by the mass shooter during the 2018 incident at Santa Fe High School in Galveston,
18 Texas.⁶³ Also rejecting large capacity magazines last year, the shooter in the Parkland,
19 Florida, high school mass shooting carried 150 rounds in 10-round magazines.⁶⁴

20 Further undercutting the government's fear is the opinion of expert Gary Kleck,
21 who says that mass shooters who do choose a high capacity magazine are mistaken in
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23 ⁶³ <https://www.usatoday.com/story/news/2018/05/19/texas-school-shooting-timeline-how-30-minute-attack-unfolded/625913002/> (last visited Mar. 13, 2019).

24 ⁶⁴ McCardle, Mairead, *Report: Parkland Shooter Did Not Use High-Capacity Magazines*,
25 National Review (Mar. 1, 2018) <https://www.nationalreview.com/2018/03/report-parkland-shooter-did-not-use-high-capacity-magazines/> (last visited Mar. 22, 2019) (“The
26 19-year-old school shooter who killed 17 in Florida on Valentine’s Day had 150 rounds
27 of ammunition in 10-round magazines. Larger ones would not fit in his bag, Florida state
28 senator Lauren Book revealed.”).

1 thinking it will enable them to cause more harm. “Right. They can do everything that
2 that mass shooter might want to do if they had 10-round magazines rather than 30-round
3 magazines. There’s a difference between hypothetical potential and the reality of mass
4 shootings . . .” DX-8 at 492.

5 **(11.) disproportionately used against police?**

6 The State argues that large-capacity magazines are disproportionately used against
7 police, citing an undated, unsigned, document created by an organization named the
8 Violence Policy Center (DX-20 at 799-807). Def. Opposition to Plaintiff’s Motion for
9 Summary Judgment, at 18. The document says nothing about violence against police.
10 Elsewhere, the State itself notes that between 2009 and 2013, large-capacity magazine
11 firearms constituted less than half of the guns used in murders against police (41%). See
12 DX-4 at 143. In the FBI’s 2016 report on law enforcement officers killed and assaulted,
13 the average number of rounds fired by a criminal at a police officer was 9.1. Since 2007,
14 the average number of rounds fired has never exceeded 10, and for seven of the years the
15 average was under 7.⁶⁵ In other words, regardless of the magazine size used by a
16 criminal shooting at a police officer, the average number of rounds fired is 10 or less,
17 suggesting that criminalizing possession of a magazine holding more than 10 will have
18 no effect (on average).

19 The statistical average of 9.1 rounds fired is consistent with a declaration of Phan
20 Ngo, Director of the Sunnyvale Department of Public Safety. In his declaration, Ngo
21 states that as a Deputy Chief at the San Jose Police Department he oversaw a 2016
22 shooting of a police officer. He stated that “the suspect fired 9 rounds at the officers,
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26 ⁶⁵ FBI 2016 Law Enforcement Officers Killed & Assaulted, at Table 18,
27 <https://ucr.fbi.gov/leoka/2016/tables/table-18.xls> (last visited Mar. 19, 2019). Under
28 Rules of Evidence 201(b) courts may take judicial notice of some types of public records,
including reports of administrative bodies.

1 with an AR pistol type, semi-automatic weapon.”⁶⁶ Ngo goes on to state that “also
2 recovered at the scene was a Mag Pro 30 clip (large capacity magazine) that still had 21
3 [] rounds in the clip.”⁶⁷ Fortunately, none of the officers were injured.

4 (12.) the critical “pause”

5 The State argues that smaller magazines create a “critical pause” in the shooting of
6 a mass killer. “The prohibition of LCMs helps create a “critical pause” that has been
7 proven to give victims an opportunity to hide, escape, or disable a shooter.” Def. Oppo.,
8 at 19. This may be the case for attackers. On the other hand, from the perspective of a
9 victim trying to defend her home and family, the time required to re-load a pistol after the
10 tenth shot might be called a “lethal pause,” as it typically takes a victim much longer to
11 re-load (if they can do it at all) than a perpetrator planning an attack. In other words, the
12 re-loading “pause” the State seeks in hopes of stopping a mass shooter, also tends to
13 create an even more dangerous time for every victim who must try to defend herself with
14 a small-capacity magazine. The need to re-load and the lengthy pause that comes with
15 banning all but small-capacity magazines is especially unforgiving for victims who are
16 disabled, or who have arthritis, or who are trying to hold a phone in their off-hand while
17 attempting to call for police help. The good that a re-loading pause might do in the
18 extremely rare mass shooting incident is vastly outweighed by the harm visited on
19 manifold law-abiding, citizen-victims who must also pause while under attack. This
20 blanket ban without any tailoring to these types of needs goes to show § 32310’s lack of
21 reasonable fit.

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26 ⁶⁶ Declaration of Chief Phan Ngo, in support of Amici Curiae the City and County of
27 San Francisco, the City of Los Angeles, and the City of Sunnyvale, at para. 7, filed Oct.
28 19, 2017, in *Duncan v. Becerra*, Ninth Circuit Appeal No 17-56081 (docket 29).

⁶⁷ *Id.*

1 *Brown*, 671 F.3d 1052 (9th Cir. 2012), and *aff'd sub nom. Perry v. Brown*, 671 F.3d 1052
 2 (9th Cir. 2012) (“That the majority of California voters supported Proposition 8 is
 3 irrelevant, as ‘fundamental rights may not be submitted to a vote; they depend on the
 4 outcome of no elections.’”). To the extent one could argue that federal courts owe some
 5 judicial deference to the judgment of a state legislature (as opposed to deference to a co-
 6 equal branch of the U.S. Congress), in passing the longer-standing part of § 32310, the
 7 1999 California legislature was more concerned with defining assault weapons and
 8 judged the possession of a large capacity magazine should remain lawful.

9 **(14.) *Turner*-style deference rejected in *Heller***

10 *Turner*-style deference for Second Amendment review was specifically argued for
 11 by Justice Breyer and rejected by the Court in *Heller*. *See e.g., Heller v. D.C.*, 670 F.3d
 12 1244, 1280 (D.C. Cir. 2011) (Kavanaugh, J., dissenting) (“It is ironic, moreover, that
 13 Justice Breyer’s dissent explicitly advocated an approach based on *Turner Broadcasting*;
 14 that the *Heller* majority flatly rejected that *Turner Broadcasting*-based approach; and that
 15 the majority opinion here nonetheless turns around and relies expressly and repeatedly on
 16 *Turner Broadcasting*.”).

17 **(15.) even *Turner* requires tailoring for a reasonable fit**

18 Even under *Turner*’s intermediate scrutiny, a reasonable fit requires tailoring, and a
 19 broad prophylactic ban on acquisition or possession of all magazines holding more than
 20 10 rounds for all ordinary, law-biding, responsible citizens is not tailored at all. *Turner*,
 21 512 U.S. at 682–83 (O’Connor, J., concurring in part and dissenting in part) (“A
 22 regulation is not ‘narrowly tailored’—even under the more lenient [standard applicable to
 23 content-neutral restrictions]—where . . . a substantial portion of the burden on speech
 24 does not serve to advance [the State’s content-neutral] goals. . . . “Broad prophylactic
 25 rules in the area of free expression are suspect. Precision of regulation must be the
 26 touchstone . . .”). The State notes that Vermont enacted a recent prohibition on
 27 magazines holding more than 10 rounds for rifles or 15 rounds for a handgun. Def.’s
 28 Response to Plaintiffs’ Supp. Brief, at n. 2. Vermont’s regulation evidences more

1 tailoring than does § 32310 and makes room for a home owner to have 15 rounds (50%
2 more) for defense.

3 **(16.) “10” appears to be an arbitrary number**

4 So, how did California arrive at the notion that any firearm magazine size greater
5 than a 10-round magazine is unacceptable? It appears to be an arbitrary judgment. The
6 Attorney General says it is not. Def’s Response to Plaintiffs’ Supp. Brief, at 9. He notes
7 that other large-capacity magazine bans and the former federal ban settled on 10 rounds.
8 The State does not, however, say why California (or any jurisdiction, for that matter)
9 place the limit at 10. One author surmised from a comparison, that California lawmakers
10 simply “borrowed the large-capacity magazine ban from the federal moratorium.”

11 Stricker, Brent W., *Gun Control 2000: Reducing the Firepower*, 31 McGeorge L. Rev.
12 293, 301. The State notes a 10-round limit was included in its firing-capacity legislation
13 prohibiting machine guns in 1933. The significance of 10 rounds, however, is not
14 addressed. Larger magazines were not commonplace in 1933. By 1999, when California
15 first banned the sale, manufacturing, and importation of magazines able to hold more
16 than 10-rounds (in former § 12020(a)(2)), larger magazines numbered in the millions.

17 While the State’s more recent legislation imposing a ban on magazines able to hold
18 more than 10 rounds (§32310(b), 2016 Cal. Legis. Serv. Ch. 58 (S.B. 1446) (WEST))
19 was superseded by Proposition 63’s passage, the Attorney General does not identify any
20 of the legislative discussions bearing on the 10-round limit. The 1994 federal ban with its
21 10-round limit lapsed in 2004. Federal law has no limit on permissible magazine size. In
22 U.S. Sentencing Guidelines for firearm offenses (§2K2.1(a)) and the comments
23 thereunder, a “large capacity magazine” is defined for purposes of sentencing as a
24 magazine “that could accept more than 15 rounds of ammunition.” *See* § 2K2.1 comment
25 n.2 (2018); *United States v. Cherry*, 855 F.3d 813, 815 (7th Cir. 2017) (describing same);
26 *United States v. Henry*, 819 F.3d 856, 867 (6th Cir. 2016) (same).

27 The State argues only that it is not required to explain why it has selected 10 as the
28 number. Def’s Response to Plaintiffs’ Supp. Brief, at 9-10. Perhaps not. But the 10-

1 round limit appears to be arbitrary. A reasoned explanation or a considered judgment
2 would tend to demonstrate why the “fit” of a total ban on magazines larger than 10-
3 rounds is reasonable or how the ban is narrowly tailored. Perhaps it is an unintentional
4 legacy from the 1930s when generally larger detachable magazines were rare, our
5 military’s popular WW I Colt .45 M1911 pistol held a magazine holding 7-8 rounds, and
6 otherwise 5 or 6 shot revolvers ruled. Surly, *Turner* deference does not mean a federal
7 court is relegated to rubber-stamping a broad-based arbitrary incursion on a constitutional
8 right founded on speculative line-drawing and without any sign of tailoring for fit.

9 **(17.) *Fyock v. Sunnyvale***

10 So, what about the *Fyock* decision. *Fyock*, like the Ninth Circuit decision in this
11 case, are both appeals from preliminary injunction requests. Preliminary injunction
12 appeals are reviewed narrowly. *Compare Fyock*, 779 F.3d at 995 (“As we have
13 previously noted, there are limitations to interlocutory appeals of this nature given the
14 narrow scope of our review: In some cases, parties appeal orders granting or denying
15 motions for preliminary injunctions in order to ascertain the views of the appellate court
16 on the merits of the litigation, but . . . due to the limited scope of our review . . . our
17 disposition of appeals from most preliminary injunctions may provide little guidance as
18 to the appropriate disposition on the merits.”), *with Duncan v. Becerra*, 742 F. App’x
19 218, 220 (9th Cir. 2018) (“We do not ‘determine the ultimate merits,’ but rather
20 ‘determine only whether the district court correctly distilled the applicable rules of law
21 and exercised permissible discretion in applying those rules to the facts at hand.’”).
22 Preliminary injunction motions typically present complicated legal and factual questions
23 on an abbreviated time frame. Orders are not final. Appellate review does not go to the
24 merits but to whether the district court properly exercised judicial discretion or made a
25 clear error of judgment. *DISH Network Corp. v. F.C.C.*, 653 F.3d 771, 776 (9th Cir.
26 2011) (“The grant or denial of a preliminary injunction lies within the discretion of the
27 district court and we may reverse a district court only where it relied on an erroneous
28 legal premise or abused its discretion.”).

1 A preliminary injunction decision is a fact-bound decision. *Fyock* concerned a city
2 ordinance covering only residents of Sunnyvale, California. This case concerns a state-
3 wide statute. The Sunnyvale ordinance carved out exceptions for nine categories,
4 including category eight (“Any person lawfully in possession of a firearm that the person
5 obtained prior to January 1, 2000, if no magazine that holds fewer than 10 rounds of
6 ammunition is compatible with the firearm and the person possesses the large-capacity
7 magazine solely for use with that firearm.”). *Fyock v. City of Sunnyvale*, 25 F. Supp. 3d
8 1267, 1272 (N.D. Cal. 2014). The state statute § 32310 includes no exception like
9 Sunnyvale’s category eight. The Sunnyvale ordinance required non-exempt persons to,
10 *inter alia*, remove their large capacity magazines from the City of Sunnyvale. *Id.* The
11 state statute § 32310 requires non-exempt persons to remove their large-capacity
12 magazines from California. The City of Sunnyvale is a small, populous, municipality
13 with uniquely-trained public safety officers. The State of California is one of the largest
14 states in the Union and includes everything from areas where populations are small and
15 far from emergency services to the second largest city in the United States.

16 The district court in *Fyock*, found that “magazines having a capacity to accept
17 more than ten rounds are in common use, and are therefore not dangerous and unusual.”
18 *Fyock*, 25 F. Supp. 3d 1267 at 1275. The district court found that it does not matter
19 whether large capacity magazines are commonly used for self-defense explaining,
20 “Second Amendment rights do not depend on how often the magazines are used. Indeed,
21 the standard is whether the prohibited magazines are ‘typically *possessed* by law-abiding
22 citizens for lawful purposes,’ not whether the magazines are often *used* for self-defense.”
23 *Id.* at 1276. The district court found that if few people require a particular firearm for
24 self-defense, that should be a cause for celebration, not a reason to place large capacity
25 magazines beyond Second Amendment protection. *Id.* (“The fact that few people ‘will
26 require a particular firearm to effectively defend themselves,’ . . . should be celebrated,
27 and not seen as a reason to except magazines having a capacity to accept more than ten
28 rounds from Second Amendment protection.”). The district court found that the large

1 capacity magazines qualify as “arms” for purposes of the Second Amendment. *Id.* The
2 district court concluded that the Sunnyvale ordinance banned conduct that is protected by
3 the Second Amendment. *Id.* at 1277. These are all points with which this Court agrees.

4 The divergence of opinion comes with the selection of the level of heightened
5 scrutiny required. Like this Court’s conclusion about § 32310, the district court in *Fyock*
6 found that the Sunnyvale ordinance burdens conduct near the core of the Second
7 Amendment right. *Id.* at 1278. But the district court in *Fyock* judged the burden of the
8 Sunnyvale ordinance to be minor and applied intermediate scrutiny and found the fit of
9 the ordinance to be reasonable. *Id.* at 1278-79. This Court, on the other hand, has
10 considered the burden of the state statute on all the citizens of the state, finds the burden
11 to be severe, and even under intermediate scrutiny, a reasonable fit to be lacking. These
12 are ultimately informed judgment calls. The district court’s *Fyock* judgment was
13 preliminary. This Court’s judgment is no longer preliminary. If this judgment is
14 appealed, the Court of Appeals will have the opportunity to rule *on the merits*, for the
15 first time.

16 California Penal Code § 32310 unconstitutionally impinges on the Second
17 Amendment rights of law-abiding responsible ordinary citizens who would like to
18 acquire and possess for lawful purposes firearm magazines able to hold more than 10
19 rounds. Section 32310 is a complete ban that fails the simple Supreme Court test of
20 *Heller*. Alternatively, § 32310 strikes at the core of the Second Amendment right of self-
21 defense and severely burdens that right, triggering strict scrutiny. Because the statute
22 imposes a broad prophylactic ban that is the opposite of a regulation using the least
23 restrictive means to achieve a compelling interest, § 32310 fails constitutional muster
24 under the test of strict scrutiny. Finally, even under the modest and forgiving standard of
25 intermediate scrutiny, § 32310 is a poor fit to accomplish the State’s important interests.
26 It hardly fits at all. Therefore, this statute fails intermediate scrutiny. While, it may be
27 possible to fashion a restriction on uncommonly large magazines that is tailored to the
28 manifold local contexts present across the entire state so as to achieve a reasonable fit,

1 here, the bottom line is clear. The State has not carried its burden to justify the
2 restrictions on firearm magazines protected by the Second Amendment based on the
3 undisputed material facts in evidence. That is not to be lamented. It ought to provide re-
4 assurance. To borrow a phrase, “[j]ust as it is the ‘proudest boast of our free speech
5 jurisprudence’ that we protect speech that we hate, [and] . . . the proudest boast of our
6 free exercise jurisprudence that we protect religious beliefs that we find offensive,” it is
7 the proudest boast of our Second Amendment jurisprudence that we protect a citizen’s
8 right to keep and bear arms that are dangerous and formidable. *See Masterpiece*
9 *Cakeshop, Ltd. v. Colorado Civil Rights Comm’n*, 138 S. Ct. 1719, 1737 (2018).

10 **III. The Takings Clause**

11 Plaintiffs also contend that the State’s confiscatory and retrospective ban on the
12 possession of magazines over ten rounds without government compensation constitutes
13 an unconstitutional taking. “For centuries, the primary meaning of “keep” has been “to
14 retain possession of.” There is only one straightforward interpretation of “keep” in the
15 Second Amendment, and that is that “the people” have the right to retain possession of
16 arms, subject to reasonable regulation and restrictions.” *Silveira v. Lockyer*, 328 F.3d
17 567, 573 (9th Cir. 2003) (Kleinfeld, J., dissenting from denial of rehearing en banc). The
18 Attorney General asserts that, when the government acts pursuant to its police power to
19 protect the safety, health, and general welfare of the public, a prohibition on possession
20 of property declared to be a public nuisance is not a physical taking. *See Oppo.* at 22,
21 (citing *Chicago, B. & Q. Railway Co. v. Illinois*, 200 U.S. 561, 593–594 (1906) and *Akins*
22 *v. United States*, 82 Fed. Cl. 619, 622 (2008)). The Attorney General then cites a few
23 courts that have rejected Takings Clause challenges to laws banning the possession of
24 dangerous weapons. *See Oppo.* at 23 (citing *Akins*, 82 Fed. Cl. at 623–24 (restrictions on
25 manufacture and sale of machine guns not a taking) and *Gun South, Inc. v. Brady*, 877
26 F.2d 858, 869 (11th Cir. 1989) (temporary suspension on importation of assault weapons
27 not a taking)).
28

1 California has deemed large-capacity magazines to be a nuisance. *See* Cal. Pen.
2 Code § 32390. That designation is dubious. The Supreme Court recognized a decade
3 before *Heller*, “[g]uns in general are not ‘deleterious devices or products or obnoxious
4 waste materials.’” *Staples v. United States*, 511 U.S. 600, 610 (1994) (citation omitted).
5 Casting a common sized firearm magazine able to hold more than 10 rounds as a
6 nuisance, as a way around the Second Amendment, is like banning a book as a nuisance,
7 as a way around the First Amendment. It conjures up images from Ray Bradbury’s
8 novel, *Fahrenheit 451*, of firemen setting books on fire, or in this case policemen setting
9 magazines on fire.

10 Plaintiffs remonstrate that the law’s forced, uncompensated, physical dispossession
11 of magazines holding more than 10 rounds as an exercise of its “police power” cannot be
12 defended. Supreme Court precedent casts doubt on the State’s contrary theory that an
13 exercise of the police power can never constitute a physical taking. In *Loretto*, the
14 Supreme Court held that a law requiring physical occupation of private property was both
15 “within the State’s police power” and an unconstitutional physical taking. *Loretto v.*
16 *Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982). The Court explained that
17 whether a law amounts to a physical taking is “a separate question” from whether the
18 state has the police power to enact the law. *Id.* at 425–26 (“It is a separate question,
19 however, whether an otherwise valid regulation so frustrates property rights that
20 compensation must be paid. We conclude that a permanent physical occupation
21 authorized by government is a taking without regard to the public interests that it may
22 serve.”). In a similar vein, the Supreme Court holds that a law enacted pursuant to the
23 state’s “police powers to enjoin a property owner from activities akin to public
24 nuisances” is not immune from scrutiny under the regulatory takings doctrine. *Lucas v.*
25 *South Carolina Coastal Council*, 505 U.S. 1003, 1020–27 (1992). The Court reasoned
26 that it was true “[a] fortiori” that the “legislature’s recitation of a noxious-use
27 justification cannot be the basis for departing from our categorical rule that total
28 regulatory takings must be compensated.” *Id.* at 1026.

1 Recently, the Supreme Court summarized some of the fundamental principles of
2 takings law in *Murr v. Wisconsin*, 137 S. Ct. 1933 (2017). “The Takings Clause of the
3 Fifth Amendment provides that private property shall not be taken for public use, without
4 just compensation. The Clause is made applicable to the States through the Fourteenth
5 Amendment. As this Court has recognized, the plain language of the Takings Clause
6 requires the payment of compensation whenever the government acquires private
7 property for a public purpose, but it does not address in specific terms the imposition of
8 regulatory burdens on private property.” *Id.* at 1942 (quotations and citations omitted).
9 *Murr* notes that almost a century ago, the Court held that “while property may be
10 regulated to a certain extent, if regulation goes too far it will be recognized as a taking.”
11 *Id.* (quoting *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393, 415 (1922)).

12 Takings jurisprudence is flexible. There are however, two guides set out by *Murr*
13 for detecting when government regulation is so burdensome that it constitutes a taking.
14 “First, with certain qualifications a regulation which denies all economically beneficial or
15 productive use of land will require compensation under the Takings Clause. Second,
16 when a regulation impedes the use of property without depriving the owner of all
17 economically beneficial use, a taking still may be found based on a complex of factors,
18 including (1) the economic impact of the regulation on the claimant; (2) the extent to
19 which the regulation has interfered with distinct investment-backed expectations; and (3)
20 the character of the governmental action.” *Murr*, 137 S. Ct. at 1938 (citations and
21 quotation marks omitted). “[A] physical *appropriation* of property g[ives] rise to a *per se*
22 taking, without regard to other factors.” *Horne v. Dep’t of Agric.*, 135 S. Ct. 2419, 2427
23 (2015).

24 The dispossession requirement of § 32310(c) & (d) imposes a rare hybrid taking.
25 Subsection (d)(3) is a type of physical appropriation of property in that it forces owners
26 of large capacity magazines to “surrender” them to a law enforcement agency “for
27 destruction.” Thus, (d)(3) forces a *per se* taking requiring just compensation. But there
28 are two other choices. Subsection (d)(2) forces the owner to sell his magazines to a

1 firearms dealer. It is a fair guess that the fair market value of a large capacity magazine I
2 the shadow of a statute that criminalizes commerce and possession in the State of
3 California, will be near zero. Of course, the parties spend little time debating the future
4 fair market value for to-be-relinquished magazines. Subsection (d)(1) forces the owner to
5 “remove” their large capacity magazines “from the state,” without specifying a method or
6 supplying a place. This choice obviously requires a place to which the magazines may be
7 lawfully removed. In other words, (d)(1) relies on other states, in contrast to California,
8 which permit importation and ownership of large capacity magazines. With the typical
9 retail cost of a magazine running between \$20 and \$50, the associated costs of removal
10 and storage and retrieval may render the process costlier than the fair market value (if
11 there is any) of the magazine itself. Whatever stick of ownership is left in the magazine-
12 owner’s “bundle of sticks,” it is the short stick.

13 Here, California will deprive Plaintiffs not just of the *use* of their property, but of
14 *possession*, one of the most essential sticks in the bundle of property rights. Of course, a
15 taking of one stick is not necessarily a taking of the whole bundle. *Murr*, 137 S. Ct. at
16 1952 (Roberts, C.J., dissenting) (“Where an owner possesses a full ‘bundle’ of property
17 rights, the destruction of one strand of the bundle is not a taking, because the aggregate
18 must be viewed in its entirety.”). Nevertheless, whatever expectations people may have
19 regarding property regulations, they “do not expect their property, real or personal, to be
20 actually occupied or taken away.” *Horne*, 135 S. Ct. at 2427. Thus, whatever might be
21 the State’s authority to ban the sale or use of magazines over 10 rounds, the Takings
22 Clause prevents it from compelling the physical dispossession of such lawfully-acquired
23 private property without just compensation.

24 IV. CONCLUSION

25 Magazines holding more than 10 rounds are “arms.” California Penal Code
26 Section 32310, as amended by Proposition 63, burdens the core of the Second
27 Amendment by criminalizing the acquisition and possession of these magazines that are
28 commonly held by law-abiding citizens for defense of self, home, and state. The

1 regulation is neither presumptively legal nor longstanding. The statute hits at the center
2 of the Second Amendment and its burden is severe. When the simple test of *Heller* is
3 applied, a test that persons of common intelligence can understand, the statute fails and is
4 an unconstitutional abridgment. It criminalizes the otherwise lawful acquisition and
5 possession of common magazines holding more than 10 rounds – magazines that law-
6 abiding responsible citizens would choose for self-defense at home. It also fails the strict
7 scrutiny test because the statute is not narrowly tailored – it is not tailored at all. Even
8 under the more forgiving test of intermediate scrutiny, the statute fails because it is not a
9 reasonable fit. It is not a reasonable fit because, among other things, it prohibits law-
10 abiding concealed carry weapon permit holders and law-abiding U.S Armed Forces
11 veterans from acquiring magazines and instead forces them to dispossess themselves of
12 lawfully-owned gun magazines that hold more than 10 rounds or suffer criminal
13 penalties. Finally, subsections (c) and (d) of § 32310 impose an unconstitutional taking
14 without compensation upon Plaintiffs and all those who lawfully possess magazines able
15 to hold more than 10 rounds.⁶⁸

16 Accordingly, based upon the law and the evidence, upon which there is no genuine
17 issue, and for the reasons stated in this opinion, Plaintiffs’ motion for summary judgment
18 is granted.⁶⁹ California Penal Code § 32310 is hereby declared to be unconstitutional in
19 its entirety and shall be enjoined.

21
22 ⁶⁸ This declaration concerns the current version of § 32310. But similar constitutional
23 defects can be found in the prior iterations of the statute. The Court’s declaration does
24 not affect the definition of a large-capacity magazine where it is used in other parts of
California’s Penal Code to define gun-related crimes and to enhance penalties.

25 ⁶⁹ The Attorney General asks the Court to take judicial notice of exhibits A through Q
26 which are copies of statutes and ordinances from various jurisdictions. (Dkt. No. 53-1.)
27 The request is granted. The Attorney General objects to various declarations submitted
28 by Plaintiffs. (Dkt. No. 53-13.) Those objections are overruled. Plaintiffs object to
various declaration and exhibits submitted by the Attorney General. (Dkt. No. 57-2.)
Those objections are overruled.

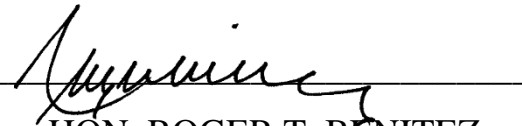
1 This decision is a freedom calculus decided long ago by Colonists who cherished
2 individual freedom more than the subservient security of a British ruler. The freedom
3 they fought for was not free of cost then, and it is not free now.

4 **IT IS HEREBY ORDERED** that:

5 1. Defendant Attorney General Xavier Becerra, and his officers, agents, servants,
6 employees, and attorneys, and those persons in active concert or participation with him,
7 and those duly sworn state peace officers and federal law enforcement officers who gain
8 knowledge of this injunction order, or know of the existence of this injunction order, are
9 enjoined from enforcing California Penal Code section 32310.

10 2. Defendant Becerra shall provide, by personal service or otherwise, actual notice
11 of this order to all law enforcement personnel who are responsible for implementing or
12 enforcing the enjoined statute. The government shall file a declaration establishing proof
13 of such notice.

14 DATED: March 29, 2019


HON. ROGER T. BENITEZ
United States District Judge

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HB-1902-SD-1

Submitted on: 6/23/2020 10:39:49 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Aloha,

I am writing in support of HB1902. Gun related violence continues to be a rising threat in our country. Though Hawaii has some of the toughest gun laws, we must not become complacent. The safety and well being of our Keiki and community is essential.

Please vote yes for HB1902

Mahalo,

Betsey Strauss

HB-1902-SD-1

Submitted on: 6/23/2020 10:47:33 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Distinguished members of the Committee on Judiciary,

I'm writing in opposition of Bill HB1902. I understand that this bill and many like it is an attempt to curb violence. I also understand the thinking that taking away tools to commit violent acts such as with firearms, knives, bats, bricks, pipes, fists, elbows, etc., may seem like a good idea. However, removing the tools is not the solution. The problem is not the tools but the lack of integrity, character and the absence of values. I think we need to shift our focus and resources into establishing stronger families and value systems. As a father of three boys, I know that every day is a fight. It's a fight for territory in the hearts and minds of my children; to be the main influencer in their lives and not some character on TV or personality on YouTube. It is our responsibility to help our children grow into maturity, develop character, work through conflict, build good self-images, learn to seek perspective, etc.

I think that by focusing on families and value systems we would see violence of all kinds not just guns, but bullying, sexual assault, child abuse, verbal abuse, etc. be reduced.

Respectfully,

Grant Nagata

HB-1902-SD-1

Submitted on: 6/23/2020 11:13:26 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Dear Committee Members,

I strongly oppose HB1902 HD2 SD1. Restricting magazines of over 10 rounds

capacity from law abiding citizens will only make us more vulnerable to criminals. We now live in uncertain and potentially dangerous times. With our Police force undermanned and under scrutiny from all sides, they can not provide the level of protection to the public that is needed. Now is not the time to take away the ability to protect our homes, families, and businesses. While I agree that not everyone is suited to own a gun due to mental issues, I can not, in good conscience support this bill that will take away important protection that is needed by law abiding citizens.

HB-1902-SD-1

Submitted on: 6/23/2020 11:01:15 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Carolyn Pearl | Individual | Support | No |

Comments:

I'm a long-time resident of Hawaii, and I greatly appreciate the efforts of our legislature to keep us safe from the horrifying gun violence that is so prevalent across the rest of our country by establishing common sense gun safety laws. Although tragedies like the one that rocked our community to the core on January 19 can happen here, we are spared the daily onslaught of shootings that take the lives of so many across the rest of the country. And we can continue to do even better.

Large capacity magazines serve a unique purpose: to discharge many bullets at a time without having to stop to reload. Time that would otherwise allow victims to flee. Time for law enforcement to intervene. As a result, large capacity magazines have facilitated extraordinarily savage bloodshed and death in mass shootings in the United States, time and time again. In August, a shooter in Ohio was able to gun down over two dozen people, killing 9 of them, in half a minute. While large capacity magazines may serve a purpose on the battlefield, they have no place on the streets of Hawaii.

Current Hawaii law prohibits the use of large-capacity (greater than 10 rounds) magazines on pistols, but only pistols. This prohibition needs to be expanded to include all firearms.

By passing HB 1902, you can help to keep our community from becoming a war zone. Please pass this bill.

HB-1902-SD-1

Submitted on: 6/23/2020 11:16:36 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Strongly oppose

HB-1902-SD-1

Submitted on: 6/23/2020 11:30:34 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I extremely oppose **HB 1902 HD2 SD 1** in its entirety. I vote and I will be using it to voice my dismay and educate anyone regarding this bill and its sponsors / supporters.

HB-1902-SD-1

Submitted on: 6/24/2020 12:43:57 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Ronald G Livingston | Individual | Oppose | No |

Comments:

There are competition shooters here that also shoot tournaments on the mainland & other countries that do not have 10 round restrictions on their magazines. It would be unfair for them not to be able to have comparable equipment for the competition.

HB-1902-SD-1

Submitted on: 6/24/2020 5:17:35 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Sue Hornik | Individual | Support | No |

Comments:

I am writing in strong support of HB1902 HD2 SD1. I urge you to vote in favor of this important piece of legislation, especially with the number of shootings in Hawaii on the increase.

Banning large capacity magazines for firearms is not new or radical. It would return us to the limit under prior federal legislation in effect from 1994-2004, whose renewal has been blocked by NRA-backed lobbyists in Washington, DC. The prior ban proved effective in restricting access to high capacity magazines among criminals and translated to fewer gun injuries and deaths.

The Washington Post tracked police seizures of high-capacity magazines in Virginia during and after the federal assault weapons ban and the magazine cap was in effect. It found a decline in number of magazines recovered from 1994-2004, but saw the trend halt and then reverse after the ban expired, indicating that more criminals are now getting high-capacity magazines. One gun expert who was “skeptical” about the federal ban said the Post’s evidence changed his mind, because the data was “about as clear an example as we could ask for of evidence that the ban was working.”

Hawaii can help correct Washington’s failure to re-institute the successful magazine cap by passing HB1902 HD2 SD1.

A frequent claim by opponents of the ban is that magazine size matters if they need to defend against aggressors, but that claim defies all data from law enforcement and hospital emergency departments. Despite all the posturing of pro-gun opponents, effective defensive gun use is extremely rare, especially any defensive gun use demanding so much fire power.

Let’s be graphically honest. High-capacity magazines, when paired with semi-automatic assault rifles, dramatically increase the lethality of a shooting. In addition, the gruesomeness of the injuries caused are horrific.

Let’s do everything possible to make sure no community in Hawaii has to suffer like Newtown or Parkland or Las Vegas has. I urge you to support HB1902 HD2 SD1.

Thank you.

HB-1902-SD-1

Submitted on: 6/24/2020 12:00:32 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I oppose this bill. Magazine capacity does not prevent criminals from committing crimes.

I am law abiding citizen, I should be able to possess magazines that hold more than 10 rounds.

Thank you,

Ron Knopp

HB-1902-SD-1

Submitted on: 6/24/2020 5:27:17 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kevin J. Cole | Individual | Oppose | No |

Comments:

Aloha,

I am opposed to SB 1902. This is nothing but window dressing to solve a non-existent problem. Much like the other laws dealing with style over substance, this bill solves nothing.

The state has no business imposing such a burden on people.

V/R

Kevin J. Cole, Col USAF Ret.

Mililani

HB-1902-SD-1

Submitted on: 6/24/2020 6:16:16 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Hawaii already has some of the most repressive gun laws in the America and makes it difficult for law abiding tax paying citizens to own guns and celebrate their 2nd amendment rights. Rather than punish law abiding citizens why not try making penalties for using guns in crimes or penalties for criminals who possess firearms more strict? If you like apple pie but I ban apple pie for all citizens because a criminal is allergic to apple pie and may die if they eat it would be similar to what this bill is trying to do. If you do research you will see that states with strict gun laws have to highest crime rate with guns. You are only making it difficult for good people to protect themselves by making laws that penalize them. I am ready to leave hawaii and take my multi million dollar company with me and the taxes I pay as well.

HB-1902-SD-1

Submitted on: 6/24/2020 6:11:32 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I am opposed to HB1902 because although I do not currently possess, nor do I intend to, in the foreseeable future, plan to acquire any ammunition magazines capable of holding more than 10 rounds, this is an impingement on a person's ability to make a free decision to lawfully acquire or transfer ownership of such a magazine through free trade.

HB-1902-SD-1

Submitted on: 6/24/2020 6:58:08 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I oppose HB1902.

It's stated purpose is to eliminate the use of large capacity magazines in all guns.

It is VERY easy to acquire large capacity magazines and anyone who wants to acquire them can easily do so.

This bill will not be effective in preventing criminals and those who are willing to violate the law from acquiring and using large capacity magazines against innocent law-abiding victims who would be disadvantaged by this bill and who would be prevented from having and using the magazines prohibited by this bill.

This bill would create an unfair disadvantage against law-abiding citizens while allowing criminals an unfair advantage against law-abiding citizens who may be victimized.

I oppose this bill.

HB-1902-SD-1

Submitted on: 6/24/2020 7:34:58 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Allegra Giacchino | Individual | Support | No |

Comments:

I strongly support HB1902 HD2 SD1 and am hoping for your support as well.

As the public has seen time and time again, the use of large capacity magazines in mass shootings leads to a large number of deaths and injuries in seconds. Often the **only** opportunity to interrupt a shooter, and/or for innocent people to flee, is when the shooter is out of bullets and has to reload. Please increase safety for the public at large by extending the prohibition for large capacity magazines to all firearms, rather than just pistols.

Thank you for your thoughtful consideration.

HB-1902-SD-1

Submitted on: 6/24/2020 6:55:53 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

This bill is definitely a step in the WRONG direction.

With the social situation that exists today we need to be moving toward easier access to protection of the individual. This includes the right to purchase and or otherwise acquire ammunition and legal firearms.

This bill just chips away further at our enumerated rights, liberties and ability to protect ourselves and our loved ones

Will do nothing to keep ammunition out of the hands of criminals who want it.

STONGLY OPPOSE Please vote against

Thank you and Aloha

Gordon Fowler

HB-1902-SD-1

Submitted on: 6/24/2020 7:52:09 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

HB-1902-SD-1

Submitted on: 6/24/2020 7:59:27 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

To whom it may concern,

I wish to add my testimony in opposition to this bill. It is an infringement on our 2nd Amendment rights guaranteed in the Constitution of the United States of America and a violation of Sect. 1 of the 14th Amendment by allowing representatives of the state (police officers) a means of protection it denies to other citizens, violating our right to equal protection under the law.

Rather than dealing with the problem of mentally defective individuals who see violence against the unaware, the innocent and the unprepared as the solution to the real or perceived injustices and humiliations in their lives, it seeks to criminalize the rights of the law-abiding. Magazines, their capacity, and firearms are not the problem. Do not penalize us for the crimes of those monsters.

William Iaela

TESTIMONY OF ELLEN GODBEY CARSON IN SUPPORT OF HB 1902, HD2, SD1
To the Senate Committee on Judiciary
Hearing Date: June 26, 2020, 10:00am, Room 016

I practiced law in Hawaii for 30 years, serving as President of the Hawaii State Bar Association and Hawaii Women Lawyers. I became an attorney to protect the constitutional rights of vulnerable persons in our country. While now retired (inactive license), I still believe this is a critical goal in our state and country.

I support HB1902’s ban on LCMs, without any exemption for existing LCMs. This achieve a proper balance of constitutional rights and public safety, by banning large capacity magazines (LCMs, ie, detachable magazines for 10+ rounds of ammunition).

Hawai’i is the only state in the nation with an assault weapons ban that fails to ban assault rifles, assault shotguns and LCMs for those weapons, as shown below:

| U.S. assault weapons bans by jurisdiction | | | | | | | |
|---|----------|-------------------|--------------------|---------------------|----------|------------------|----------------------|
| Jurisdiction | Status | By make/ model | Semiauto rifles | Semiauto pistols | Shotguns | Features test | Magazine capacity |
| California ^[18] | In force | ✗ | ✗ | ✗ | ✗ | ✗ | 10 |
| Connecticut ^[19] | In force | ✗ | ✗ | ✗ | ✗ | ✗ | 10 |
| District of Columbia ^[20] | In force | ✗ | ✗ | ✗ | ✗ | ✗ | 10 |
| Hawaii ^[21] | In force | | | ✗ | | ✗ | 10 (pistols) |
| Maryland ^[22] | In force | ✗ | ✗ | ✗ | ✗ | ✗ | 10 |
| Massachusetts ^[23] | In force | ✗ | ✗ | ✗ | ✗ | ✗ | 10 |
| New Jersey ^[24] | In force | ✗ | ✗ | ✗ | ✗ | ✗ | 10 |
| New York ^[25] | In force | ✗ | ✗ | ✗ | ✗ | ✗ | 10 |

https://en.wikipedia.org/wiki/Assault_weapons_legislation_in_the_United_States

Hawaii long ago banned assault pistols/revolvers and detachable LCMs for those weapons, but in a dangerous political compromise, allowed the proliferation of assault rifles and LCMs for rifles. This invites mass shootings and violence within our shores.

The NRA and gun clubs are vocal, but they are a small minority and do not reflect the great majority in our community on this issue. The vast majority of Americans SUPPORT banning high capacity magazines (LCMs). In 2018, 73% of American adults supported banning high-capacity magazines, according to an NPR/Ipsos poll. https://en.wikipedia.org/wiki/High-capacity_magazine_ban

I am opposed to the proposed changes to this bill in SD2, sections 134-8(c)(1&2) that would allow all existing LCMs to be kept, used and conveyed via inheritance. First, that would leave reportedly thousands of LCMs in civilian hands in Hawaii, and thus perpetuates the danger sought to be avoided by HB 1902. Second, that would also leave law enforcement no regulatory system to register and identify the existing LCMs subject to this “grandfathering” versus those LCMs that are not, so enforcement will be very challenging. If your committee is insistent on exempting existing LCMs, I request that such exemption (1) be limited to persons holding a valid permit and registration for a firearm designed to hold such a magazine (so that persons without valid permits and registration cannot have LCMs); and (2) require registration of existing LCMs on a form to be developed by the police and Attorney General, to identify the type and number of LCMs held by the permit holder; and (3) require prompt registration of any LCM acquired by any new owner via inheritance. This would at least provide a reasonable means to identify who can lawfully have existing LCMs.

Second Amendment Rights May be Limited for Public Safety Needs.

The NRA and gun groups argue that their Second Amendment rights are violated whenever limits are placed on guns and ammunition. That is untrue. **The U.S. Supreme Court has clearly held that the Second Amendment right “is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”** *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008).

I provide the following background on decades of NRA challenges to LCM bans, to show that public safety is a legitimate government interest to pursue in limiting LCMs, and that even existing LCMs can be regulated and/or prohibited.

First, no Federal Court has overturned a law banning LCMs of over 10 rounds. <https://www.sfgate.com/bayarea/article/NRA-sues-S-F-to-kill-law-on-gun-magazines-4994726.php> When San Francisco’s ban on LCMs was challenged, the federal court refused to block the ban, finding:

“Within the last thirty years, 86 percent of mass shootings involved at least one magazine with the capacity to accept more than ten rounds. More people are injured or killed per mass shooting with a magazine with the capacity to accept more than ten rounds than without.”

“As of this date, four courts have ruled on the constitutionality of these bans and all four courts have upheld them.”

<https://casetext.com/case/san-francisco-veteran-police-s-assn-v-city-of-sf> (S. F. Veteran Police Officers Ass’n v. City of San Francisco, 18 F. Supp. 3d 997 at 1005 (N.D. Cal. 2014)). The Ninth Circuit Court of Appeals **upheld** the decision in this case in 2014. The US Supreme Court refused the NRA’s efforts to block enforcement of San Francisco’s ban on LCMs. <https://www.guns.com/news/2014/03/14/supreme-court-refuses-sunnyvale-mag-case-yet>.

New York’s ban on magazines that hold more than 10 rounds has also been approved by both the US District Court and the Second Circuit Court of Appeals. *New York State Rifle & Pistol Assn, v. Cuomo*, 304 F.3d 242 (2015). <https://caselaw.findlaw.com/us-2nd-circuit/1716013.html>.

Second, the NRA improperly relies on an unpublished and *preliminary* injunction ruling by a divided panel on the Ninth Circuit, in a case challenging an LCM ban by the State of California (*Duncan v. Becerra*).

<https://cdn.ca9.uscourts.gov/datastore/memoranda/2018/07/17/17-56081.pdf> Arguments in that court are continuing and this case is still in preliminary stages that do not warrant relying on an unpublished ruling as precedent. By contrast, the federal Ninth Circuit Court of Appeals, in a previously published decision, held Sunnyvale California’s LCM ban did not violate the Second Amendment, and refused to enjoin the LCM ban, finding that the government’s “interests in promoting public safety and reducing violence crime were substantial and important government interests.”

<http://cdn.ca9.uscourts.gov/datastore/opinions/2015/03/04/14-15408.pdf>.

Thus, LCM bans have existed for many years without any court overturning them. Indeed, the 1994 federal Assault Weapons Ban prohibited assault rifles, assault pistols and LCMs (over 10 rounds) for them, until it expired by its own terms in 2004.

Third, laws banning LCMs have been effective. The Giffords Law Cent reports that:

Studies have found that the federal ban on large capacity magazines helped to

prevent violence and the use of high-capacity magazines in crime during the 10 years in which it was in effect. During the 10-year period the federal assault weapons and large capacity magazine ban was in effect, mass shooting fatalities were 70% less likely to occur compared to the periods before and after the ban. While the federal assault weapons and large capacity ammunition ban was in effect, the number of high-fatality mass shootings fell by 37%, and the number of people dying in such shootings fell by 43%. When the ban lapsed in 2004, there was a 183% increase in high-fatality mass shootings and a 239% increase in deaths from such shootings.

<https://lawcenter.giffords.org/gun-laws/policy-areas/hardware-ammunition/large-capacity-magazines/>

Banning LCMs is important because they are designed to be capable of mass violence; their potential for mass murder far outweighs any plausible use for hunting, recreation or self-defense. This bill would finally ban sale of LCMs for all civilian firearms, and is a big step in the right direction. The sooner this ban is created, the sooner we can start reducing the needless spread of LCMs and assault weapons in Hawai'i.

I also generally support this bill's enhanced background check provisions, but believe that language in section 134-7(c)(3) should be more refined to focus on disorders related to predilection for violent or suicidal behavior.

Ellen Godbey Carson,
Honolulu, Hawaii
June 25, 2020

HB-1902-SD-1

Submitted on: 6/24/2020 8:03:22 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

This legislation is already on the books in Hawaii for handguns. This is simply an additional restriction on lawful owners of firearms that is unnecessary and which will be ineffective for increasing public safety. There is no way an individual can predict how many rounds of ammunition another person will need in any given situation. These laws should be considered from the perspective of allowing a lawful gun owner to capably protect himself rather than from the perspective of restricting a lawful gun owner from owning otherwise legal items. Criminals will not be deterred by this legislation. Law abiding gun owners will be endangered and disadvantaged by this legislation. I oppose this legislation in the strongest possible terms.

HB-1902-SD-1

Submitted on: 6/24/2020 8:17:12 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Gary John Kissinger | Individual | Oppose | No |

Comments:

HB-1902-SD-1

Submitted on: 6/24/2020 8:27:55 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Bruce Anderson | Individual | Support | No |

Comments:

I support this measure to restrict access to non-sport firearm equipment for general use.

HB-1902-SD-1

Submitted on: 6/24/2020 9:14:57 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| John D. Kim | Individual | Oppose | No |

Comments:

Nice try, but please understand, any veteran of our arm forces who is being treated for a mental disorder by the Veteran Administration (VA), may still own or possess a firearm in the State of Hawaii. The VA has no reporting requirements to the State of Hawaii because of their confidentiality policy. Our trained veterans, who know how to use an automatic or semi-automatic firearm, who are being treated by the VA, go unreported to our police departments.

HB-1902-SD-1

Submitted on: 6/24/2020 9:16:04 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Terence Lee | Individual | Support | No |

Comments:

Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

My name is Terence Lee. I am a resident of Kaneohe. I support the ban on large capacity ammunition. Hawaii does not need these. I am a gun violence survivor. These make it possible to cause mass destruction to life. They do not belong on our island.

Mahalo, Terence Lee

HB-1902-SD-1

Submitted on: 6/24/2020 9:16:48 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Please OPPOSE

This bill is just another law to affect the law abiding citizen. Criminals do not obey laws and this is another they will not follow.

It does affect the law abiding citizen who chooses to defend their home buy limiting the number of shots they can fire to protect their family.

If this was such a great idea, then law enforcement woul only use 10 round magazines, but they don't because they know criminals won't play fair.

Another aspect is this law as well as the current law negatively affects Hawaii competitive shooters. Hawaii competitors have to compete with other competitors on unlevel playing fields due to the other states not having such ridiculous laws like this.

Please OPPOSE.

Barry Aoki

HB-1902-SD-1

Submitted on: 6/24/2020 9:32:53 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

How does this Bill have any effect on crime? How does this Bill effectively reduce crime? It has no effect. It does not affect any criminal, convicted or otherwise. It will only effect law abiding citizens who regularly abide by the law and who want to possess for their use, enjoyment, and even the novelty of having an item that may have had or has a part in their history.

How does enforcement work? How will Law Enforcement be able to enforce this Bill as a way to reduce crime? If it does not reduce crime and criminals and enforcement is non-existent/ negligible, then you are wasting paper. You are wasting time, energy, and our taxpayer's dollars on a Bill that is worthless and unenforcable.

This Bill will also have an effect on the commerce and sales of the stores that sell them. Is it a large part of the gross sales? Maybe, maybe not. But by enacting this Bill, you have decided to take away a portion of someone's business here in Hawaii. You have decided that your constituents and taxpayers should not earn income from such an innocuous item. It may not put them out of business, but in a time like this every bit counts.

I may not NEED to possess, have , transfer, sell, trade, et al such an item. But not having an effect on crime or resulting in crime reduction, being unenforcable, and taking away money from businesses in the State makes the NEED of this Bill absolutely ZERO. This Bill is like a chicken trying to fly... lots of movement and energy and visual display for everyone to see but with a ZERO SUM result.

HB-1902-SD-1

Submitted on: 6/24/2020 9:37:23 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-------------------|--------------|--------------------|--------------------|
| Mark K.Wilson III | Individual | Support | No |

Comments:

I support HB1902, banning large capacity magazines (LCMs) for firearms. **Please do not allow existing LCMs to remain in use and be passed down to future generations, which would simply perpetuate the danger for mass violence and create enforcement problems in determining which LCMs existed before this bill.**

We are the only state with an assault weapons ban that fails to include assault rifles or shotguns and large capacity magazines (over 10 rounds) for these firearms. The 1994 federal Assault Weapons Ban prohibiting assault weapons and high-capacity magazines expired, and Congress has not re-enacted it. Our state can and should enact our own laws to ban these large capacity magazines and firearms.

HB-1902-SD-1

Submitted on: 6/24/2020 9:59:31 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

OPPOSITION TO HB 1902

My name is Yuki Klahr and I am a resident of the State of Hawaii. I **STRONGLY OPPOSE** HB1902.

The bill removes personal freedoms, which are guaranteed by the United States Constitution, to bear arms, without meeting the burden of proof that the removal of certain magazines will deter violence. On the contrary, there is more proof that well armed citizens deter criminal and violent acts especially when every moment counts before police arrival.

Well armed citizens equals well protected community as recent events of riots throughout the nation has proven. Community with law abiding gun owners did not experience any damage to their properties. I am opposed to any gun law that infringes on the right of personal freedom to bear arms protected by the United States Constitution.

Thank you for hearing my testimony AGAINST HB 1902.

Yuki Klahr

HB-1902-SD-1

Submitted on: 6/24/2020 10:17:33 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------------------|---------------------|---------------------------|---------------------------|
| Susan Shaheen Mulkern | Individual | Oppose | No |

Comments:

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 10:33:40 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I do not support this bill and I am sure others can articulate better than me why.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 10:14:42 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 10:57:02 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I strongly oppose this bill. You are only "creating" a bill that will affect law abiding citizens, who follow the laws, pays taxes, and pays you to defend our rights. This shows that you have no knowledge or care about how the world actually works. This will not solve violence that you assume you are doing great on, but it will hurt families who live in a dangerous neighborhood or prevent those who are law abiding citizens from protecting themselves from criminals and a tyrannical government that is trying to take away their rights.

I am a mother to be in a few weeks and I refuse to be a victim, especially when Democrat run states are wanting to defend the police during this time of pandemic and civil unrest. This bill will not allow me to protect myself and my baby from those criminals who want to do me harm. This has nothing to do with preventing violence but instead you are taking the side of the criminals and you are now allowing criminals to hurt me and my baby.

I strongly oppose this bill.

HB-1902-SD-1

Submitted on: 6/24/2020 11:27:05 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Janie Bryan | Individual | Support | No |

Comments:

I am in support of this bill to limit the amount of magazine rounds in excess of 10 rounds. It has been shown when a shooter needs to reload then those in danger have the opportunity to escape or to take action against the shooter. In the case of a home invasion, a home owner or resident would still have the opportunity to defend themselves in such a harrowing experience. Ten Rounds!!

Thanks for reading my testimony in support of HB1902 HD2 SD1.

Janie Bryan

HB-1902-SD-1

Submitted on: 6/24/2020 12:27:32 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| Jacqueline Lee | Individual | Support | No |

Comments:

I am writing in support of HB1902, HD2, SD1, to ban large capacity magazines (LCMs) for firearms. **Please do not allow existing LCMs to remain in use and be passed down to future generations, as it just perpetuates the danger for mass violence and creates enforcement problems in identifying which LCMs pre-existed this bill.**

Hawaii is the only state in the nation to have an assault weapons ban that fails to include assault rifles/shotguns, and large capacity magazines (over 10 rounds) for those weapons. Assault weapons and large capacity magazines are uniquely designed to be capable of mass violence. Their potential for mass murder far outweighs any plausible use for hunting, recreation or self-defense. There are reported to be thousands of large capacity magazines already in Hawaii in civilian hands; these should all be banned, as well as all future sales of large capacity magazines.

Hawai'i is once again in grief from the senseless loss of life caused by gun violence. Thoughts and prayers are not enough to combat gun violence. Action is needed. Our keiki are drilled each year on how to try to survive an active shooter situation. Legislators must do their part by enacting safer gun laws to reduce this risk, particularly from large capacity magazines and assault weapons.

The 1994 federal Assault Weapons Ban prohibited assault weapons and high-capacity magazines, but the law expired and Congress has failed to re-enact it. Hawai'i can and should enact our own laws to ban these large capacity magazines and weapons.

The rate of public mass shootings has tripled since 2011. The US now has more mass shootings each year than there are days in the year. Hawai'i has not been immune. We should do our best to prevent another mass shooting here. The sooner **all** large capacity magazines are banned, the sooner we can start reducing the needless spread of these dangerous weapons in Hawai'i.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 12:28:52 PM
Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Maria Y Song | Individual | Support | No |

Comments:

I am writing in support of HB1902, HD2, SD1, to ban large capacity magazines (LCMs) for firearms. **Please do not allow existing LCMs to remain in use and be passed down to future generations, as it just perpetuates the danger for mass violence and creates enforcement problems in identifying which LCMs pre-existed this bill.**

Hawaii is the only state in the nation to have an assault weapons ban that fails to include assault rifles/shotguns, and large capacity magazines (over 10 rounds) for those weapons. Assault weapons and large capacity magazines are uniquely designed to be capable of mass violence. Their potential for mass murder far outweighs any plausible use for hunting, recreation or self-defense. There are reported to be thousands of large capacity magazines already in Hawaii in civilian hands; these should all be banned, as well as all future sales of large capacity magazines.

Hawai'i is once again in grief from the senseless loss of life caused by gun violence. Thoughts and prayers are not enough to combat gun violence. Action is needed. Our keiki are drilled each year on how to try to survive an active shooter situation. Legislators must do their part by enacting safer gun laws to reduce this risk, particularly from large capacity magazines and assault weapons.

The 1994 federal Assault Weapons Ban prohibited assault weapons and high-capacity magazines, but the law expired and Congress has failed to re-enact it. Hawai'i can and should enact our own laws to ban these large capacity magazines and weapons.

The rate of public mass shootings has tripled since 2011. The US now has more mass shootings each year than there are days in the year. Hawai'i has not been immune. We should do our best to prevent another mass shooting here. The sooner **all** large capacity magazines are banned, the sooner we can start reducing the needless spread of these dangerous weapons in Hawai'i.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 12:32:21 PM
Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I oppose HB1902 as its an unnecessary step that does not deter crime. It's only purpose is to create more obstacles and infringe on the rights of law-abiding citizens.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 12:46:25 PM
Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

This bill would require law abiding citizens to dispose of their legally acquired property without having been charged with a crime should the magazine capacity limit portion of this bill passes. Hundreds of dollars of currently legal magazines would be a wasted investment by law-abiding citizens over what is statistically not a problem in Hawaii.

FBI murder statistics for the State of Hawaii as of 2018 and 2017 have identified 30+ deaths for each respective year as a result of firearms. However for both 2018 and 2017 combined, rifles have contributed to TWO (2) deaths. Furthermore, these FBI statistics specific to Hawaii murders in 2018 and 2017, they collectively categorize ALL rifles in that statistic therefore no clear confirmation semi auto rifles with detachable magazines can be directly attributed to ANY Hawaii murders in 2018 and 2017. The Hawaii State Legislature has failed to carry the burden of proof in this arbitrary politically-driven measure.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 12:53:52 PM
Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| keoni de la cruz | Individual | Oppose | No |

Comments:

The restriction of a magazine capacity is no dangerous than any other restrictions. Hawaii currently has a 10 round magazine capacity limit. Manufacturers for certain semiautomatic pistols ship with magazine capacity of 15. When I bought my gun as a law enforcement officer with 15 round magazines I was exempt from the magazine capacity limitations because my pistol was sold from the factory with 15 rounds so the State of California allowed the 15 round magazine with no restrictions. Now I live in Hawaii and carry under LEOSA and I am limited to 10 round magazines even though there is no statute under HRS 134 for Law Enforcement exemptions. But this not only applies to law rnforcement but Constitutionally to everyone living in the State of Hawaii Reference Hawaii Constitution Article 1 section 17 ratified November 7,1978. The Legislature is in violation of their own State Constitution.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 1:00:20 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Stacy H Inouye | Individual | Oppose | No |

Comments:

1. respectfully oppose selecting an arbitrary magazine limit without relevant unbiased supporting facts. To criminalize possess without due compensation for value is another word for confiscation. There are collectors of rare magazines that would become illegal; in some case they do not even possess the firearm due to its rarity. personally belong to a club that participates in historic displays for the public and many elements of the display would become illegal under this proposed law. Related to this is a cherry-picking magazine exemption to allow movie TV and props that are essentially promoting violence which is measure I also oppose. Attempting to pair a mental illness issue, which is a separate matter is not problem solving. A simple analogy would be to ban SUVs that could be dangerously used by the mentally unstable to mow down people or addressing the use of certain sized kitchen knives often used by the mentally unstable in committing crimes.

HB-1902-SD-1

Submitted on: 6/24/2020 1:12:09 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

LATE

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

Comments:

I believe this bill makes no sense and would not curb violent crime,

HB-1902-SD-1

Submitted on: 6/24/2020 1:08:00 PM

Testimony for JDC on 6/25/2020 10:00:00 AM



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

Comments:

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Committee on Judiciary

Wednesday, June 24, 2020

In opposition to HB1902, HD2, SD1, Relating to firearms

My name is David Kim a lifelong resident of Maui. I'm providing testimony for HB1902 relating to firearms. I would like to testify against/ in opposition to the bill.

The banning of standard-issue magazines, larger than 10 rounds, is unjust and unconstitutional. The fact that the bill excludes law enforcement agencies from being included in this ban implicates the importance of high capacity magazines in maintaining safety and security. This will limit the effectiveness of the individual to provide security and safety for themselves.

“A well regulated Militia, being necessary to the **security** of a free State, the right of the people to keep and bear Arms, shall not be infringed.”

one in three mass shooting was carried out by individuals that were prohibited from owning firearms legally. Individuals that are willing to carry out heinous crimes against society have no regard for the law. Limiting access to standard-issue magazines will only affect law-abiding citizens as “high capacity” magazines will always be available illegally to those who have no regard for the law.

I close with my sentiment on the gun safety in Hawaii being not from the law but from the close community ties we have in the islands with one and other. Mutual respect and aloha is what makes us great. If you want to keep our community safe let's look at better ways to strengthen our sense of community instead of creating laws to divide. I reiterate that I'm opposed to bill HB1902. Thank you for this opportunity to testify.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 1:36:03 PM
Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I OPPOSE this bill.

- **DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED MAGAZINES**
- 9th Circuit lawsuit [Duncan vs Becerra](#) will be decided in the coming months.
- **Violates the Second Ammendment.**
- **reduces the efficiency of the militia.**
- **Takes lawfully owned property from law-abiding gun owners.**
- **Criminalizes law-abiding gun owners.**
- **Some firearms don't have low capacity magazines options.**
- **Some magazines can not be modified.**
- **fixes a problem that does not exist.**
- **Allows law enforcement to check closed Family Court Records for firearms purchases**

HB-1902-SD-1

Submitted on: 6/24/2020 1:36:12 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

LATE

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

Comments:

Not only going against the 2nd amendment but also as such laws are starting to get overturned in the court like in CA. This law does not provide a grandfather clause to those who one prior to the law legally and no clause for military to be exempt when many are stationed here and have their own personal firearms.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 1:44:14 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 2:10:16 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I do not support the changes in this bill.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 2:30:12 PM
Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

HB1902

To whom it may concern.

I oppose this bill being passed into law it violates my right to defend myself as well as the 2nd amendment of the constitution. Which states, "A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed." Therefore, I oppose.

Matthew Clark

HB-1902-SD-1

Submitted on: 6/24/2020 3:20:42 PM

Testimony for JDC on 6/25/2020 10:00:00 AM



| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Michael J Mazzone | Individual | Oppose | No |

Comments:

I am in opposition to Hawaii State Government imposing more restrictions on my 2nd Amendment Rights to keep and bear arms. Hawaii is already the strictest State in the Country when it comes to firearms. As a Law-abiding citizen I am being punished for exercising my Rights. These new Laws do nothing to keep criminals from purchasing firearms or ammunition. I do not support more restrictions on my God given Rights.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 3:32:54 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Unconstitutional

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 3:44:54 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

The limitation on magazine size that is included in this bill will do nothing to improve public safety since criminals rarely use rifles or other long guns to perpetrate their crimes. The only impact of a rifle magazine size limitation is to arbitrarily limit law abiding citizens in their constitutionally protected and legal use of firearms. There is no valid public safety justification for extending this size limitation to magazines for rifles and shotguns, therefore as a law abiding citizen of Hawaii, I vehemently oppose this bill and respectfully ask the Judiciary Committee and the Legislature to either amend out the magazine limitation or fail this bill in its entirety.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 3:36:29 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

The problem is not honest citizens with normal capacity magazines, it's criminals and the mentally unstable who possess and use magazines of whatever size in criminal activity. Magazines that have to be modified to lower their capacity, may malfunction, again putting honest citizens at a disadvantage. It doesn't make a difference how many rounds in the magazines the bad guys will still know where to get the high capacity magazines. This bill is very bad.

HB-1902-SD-1

Submitted on: 6/24/2020 4:39:00 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

LATE

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

Comments:

Aloha,

This is our 2nd Amendment right. I'm a veteran and I served for 22 yrs. Please do not violate our 2nd Amendment. Please support and defend the Constitution.

Mahalo,

Ray Bragado

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 5:02:14 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Position Strongly Oppose

In 1992 we had a similar proposal floated by the Hawaii State Legislature. Hundreds of Hawaii citizens showed up in an overflow crowd to oppose this provision of the so call assault weapons ban. I was @ that hearing when then Senator Ron Menor stated it was the will of the people and was clear to table the bill and halted the hearing.

Under the cover of COVID-19 we are not allowed the same right to show up and express our first ammendment right against this bill to support our second ammendment rights. The legislature backed down in 1992 and stated the ten round restriction would only apply to handgun magazines not rifle. We were LIED to! Here you go again to take away something which is now a legal, and make legal citizens criminals for possession of a magazine holding more than 10 rounds of ammunition.

Thousands of magaazines are in circulation. These have been common items for more than 70 years. Someone who is a law-abiding person will be entangled in criminal prosecution for having his grandfathers magazine for a gun which they may not even possess. Magazines with a capacity of more than ten rounds are common. No exemption is articulated for rimfire vs center fire ammunition. No empirical data exists to support this proposal!

The preliminary injunction in the 9th Circuit case of Duncan v. Becerra, a judge ruled that the state of California magazine ban violated the Second Amendment of the constitution as taking without compensation. Hawaii does not need to waste money buying back magazines in this current fiscal situation. If you pass HB 1902 HD2 SD1 this challange will most certainly be filed.

Please hold this bill in committee.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 5:23:03 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I opposed this bill

HB-1902-SD-1

Submitted on: 6/24/2020 5:25:37 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

LATE

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

Comments:

If this ban is placed on large capacity magazines, it will only constrain legal gun owners.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 5:32:13 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I oppose HB1902 HD2 SD1. Criminals do not follow the law.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 4:03:02 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

A ban on large capacity magazines will only restrict and hurt legal gun owners.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 5:45:59 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

HB-1902-SD-1

Submitted on: 6/24/2020 7:00:15 PM

Testimony for JDC on 6/25/2020 10:00:00 AM



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

Comments:

Can I begin by stating that it is despicable, disgraceful, unconstitutional and violates the very foundation of the democratic process of the country in which we live. I want you to realize that you are actively leveraging a pandemic and public health in order to push through firearm restrictive legislation during a special session in which the legislature should be focused on essential bills in order to keep the Hawaii economy from further collapse. You are holding hearings at a time when public attendance is prohibited to minimize your opposition. You are silencing the voices of Americans and your constituents without a second thought about the morality of what you are doing. This written testimony is being submitted because apparently I now no longer have the right as a model citizen of the USA to attend a hearing covered under Sunshine Laws. Let us also not forget that you have resubmitted the bills for hearing which requires everyone who previously voiced opposition to resubmit testimonies. In the middle of a crisis it is unfair to people who previously submitted testimonies have their voices be silenced and then ignored by elected officials. Given the current climate, stress and burden of current events, it's obvious that day to day people wouldn't expect to have to testify against firearm legislation when there is so much more at stake around the world and would thus overlook or simply not be aware of having to resubmit testimony, much like myself (I just happened to be lucky and was notified by a local shop owner however I still missed the priority deadline). I want your committee to understand the terrible precedent and damage being done to the democratic process beyond the firearm bills. You are actively subverting transparency with the public by hiding behind a keyboard and screen instead of listening to your constituents face to face. Beyond your committee blatantly disrespecting the people you were elected to serve, my testimony is being submitted in the most extreme tone of opposition to HB1902 to limit the ammo capacity of all firearms in the state to a 10 round maximum. While I am submitting a written testimony I am unable to attend the hearing in person due to my work responsibilities that requires my physical presence, especially in the middle of the day at 1:15 PM. Within the last sentence of Section 1 it states "The purpose of this Act is to reduce gun violence in the State by prohibiting the use of large-capacity magazines in all types of firearms". Firstly, Giffords Law Center is hardly a credible source of information to base legislation off of; the FBI Uniform Crime Reports is widely considered the official data on crime in the USA, collected and published by the FBI. I briefly compared the Gifford and FBI statistics on gun violence and homicide and the Giffords statistics are using bogus data from the beginning. For more than half of the data points I personally checked, they are manipulating the raw data and presenting an end product where

states with fewer gun laws conveniently show higher gun death rates. While this may sound like it makes sense at a glance, it is in fact an unfair statistic that was manipulated by Giffords, a biased anti-gun institution. How can elected officials be so easily tricked by an infographic, that's akin to listening to Boeing say the 737MAX is safe, believing them, and hopping on a flight. I beg of the legislature to please do more research prior to hearing this bill. But to be reasonable, in lieu of the gross misrepresentation of data by Giffords, can the State please provide unbiased statistics on the expected reduction in gun violence in the state as a direct result of this bill? As stated within HB1902 if the legislature is unable to produce credible statistics or information that correlates magazine capacity to gun violence then this bill is purely subjective. I do not believe that the democratic process should involve the creation of new laws based upon the feelings of a small group of individuals. We should be past the days of guessing if new legislature will be effective, we need to create laws that will create results in turn and HB1902 will fail to produce any results we so desperately need. Secondly, the quantity of magazines in excess of 10 rounds presently is definitely over 50,000 if not 100,000. HB1902 does not address those of us who currently own rifle magazines that have a capacity greater than 10 rounds. HB1902 does not address shotguns, the most violent close-range firearm, which have fixed manufactured magazine tubes that hold more than 10 rounds. HB1902 does not account for the financial burden that instituting the 10 round limit would have on firearm owners. Not only would firearm owners need to pay large sums of money to a gunsmith to have their magazines restricted, now we will also need to purchase a 20 round magazine as usual, but would then need to leave the magazine with a gunsmith while they restrict it. Lastly, and most importantly, HB1902 does not account for the fact that most firearm manufacturers will not produce inventory that limits magazines to 10 rounds. Presently there are already firearms that Hawaii residents are simply unable to purchase due to the over-regulation that dissuades companies from having to go through all of the red tape and customization needed to import a firearm to Hawaii. By restricting all firearms to a 10 round capacity you are effectively violating our second amendment right to keep and bear arms by in-directly targeting the supply of firearms and magazines for law-abiding citizens.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 7:57:09 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I oppose this bill. Although I understand the intent of this bill, it should be quite clear that criminals are the ones posing the threat to society and they do not have any regard to following the law. Unfortunately this will not stop individuals with bad intent to follow through with their bad intent. One round can and does do the same damage as 10 round, 30 round or 100 round magazines when in the hands of the wrong people. But not allowing individuals to protect themselves under the 2nd Amendment by a **stroke of your pen is as if you pulled the trigger yourself.**

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 7:49:02 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Hung Hei Cheng | Individual | Oppose | No |

Comments:

With respect to the legislature, I oppose this bill. I think it's unnecessary and redundant to current existing laws.

HB-1902-SD-1

Submitted on: 6/24/2020 8:39:51 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

LATE

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

Comments:

This is unconstitutional tyrannical overreach, and this bill should not be passed. Shame on ALL that think this is a good idea.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 8:51:31 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I strongly oppose HD1902 HD2 SD1. Hawaii has one of the strictest gun laws in the country. Hawaii citizens are required to jump through hoops to own a firearm. Those requirements were instituted for good reason. Therefore, banning a specific firearm would serve no additional purpose other than to strip away second amendment rights.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 8:08:02 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

This bill is not a ban on high capacity magazines, but standard capacity magazines.

The people of Hawaii need standard capacity magazines for the same reason the police need them and the police are not mass murders.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 9:15:34 PM
Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

This will do nothing to prevent criminals from using them, only more restrictions and possible fines for law abiding citizens.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 9:07:09 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

The limitation of rounds per magazine is already a violation of our second amendment rights. There is no constitutional law that states one can only have a limited amount ammunition. This bill prohibits the manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of magazines capable of holding more than ten rounds. For what purpose? This is a complete violation that only harms law abiding gun owners.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 9:41:23 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Strongly oppose!

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 10:00:29 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

HB-1902-SD-1

Submitted on: 6/24/2020 10:02:15 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

LATE

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

Comments:

I oppose to the attempt of doing away with our constitutional right law to bear arms!!

From: [Ninja Forms TxnMail](#) on behalf of [Judy Goo](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 5:39:04 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Judy Goo

**DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED
MAGAZINES**

9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.

Violates the Second Amendment.

reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

fixes a problem that does not exist.

Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at Judyg@djspec.com

The above testimony was written and submitted by Judy Goo

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LATE

HB-1902-SD-1

Submitted on: 6/24/2020 10:29:14 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| William W Hope Jr. | Individual | Oppose | No |

Comments:

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 10:33:35 PM
Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

i strongly oppose.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 10:48:15 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I strongly oppose Hb1902.

LATE

HB-1902-SD-1

Submitted on: 6/24/2020 10:59:07 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

Its our Second Amendment Right.

HB-1902-SD-1

Submitted on: 6/24/2020 11:18:30 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

LATE

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

Comments:

I oppose this bill! This bill infringes my rights!

HB-1902-SD-1

Submitted on: 6/24/2020 11:19:22 PM

Testimony for JDC on 6/25/2020 10:00:00 AM

LATE

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

Comments:

Please vote NO!

This is an infringement on our 2nd amendment!

LATE

HB-1902-SD-1

Submitted on: 6/25/2020 2:23:04 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Benjamin E Nelson | Individual | Oppose | No |

Comments:

I oppose HB 1902 as it limits my ability to protect my family from criminals who do not follow rules. If this bill is enacted you will have put law abiding citizens at a disadvantage when protecting their loved ones from the criminal element. Magazine size restrictions do not make anyone safer as criminals will disregard this rule when committing crimes. No one has the right to decide the amount of protection my family and I deserve. When you place an arbitrary number of rounds in a magazine to protect my family's life and mine you have given into the criminals who do not follow laws or respect human life. Wise men once wrote: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." This not only applies to my safety but the safety of my neighbors and countrymen.

LATE

HB-1902-SD-1

Submitted on: 6/25/2020 5:57:09 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I STRONGLY OPPOSE THIS BILL!

LATE

HB-1902-SD-1

Submitted on: 6/25/2020 6:30:41 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

We must maintain and up hold our constitutional rights!

LATE

HB-1902-SD-1

Submitted on: 6/25/2020 6:39:08 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

This bill infringes upon constitutional rights. The state should never be able to determine what individuals do with their personal property.

LATE

HB-1902-SD-1

Submitted on: 6/25/2020 7:38:44 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

LATE

HB-1902-SD-1

Submitted on: 6/25/2020 7:43:07 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I strongly oppose hb1902. Its unconstitutional.

LATE

HB-1902-SD-1

Submitted on: 6/25/2020 7:43:40 AM
Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I am emailing you to urge you to vote against HB1902. This is a lot of foolishness. As with many gun restrictions Most people fail to come to the realization that if a person is insane enough to commit a serious crime with a firearm that can take a life they will not be deterred by such legislation.

It is another case of punishing the people who follow the law and not the criminals who break it.

Criminals will ignore this if it becomes law and all law abiding owners of numerous types of rifles will become criminals just by owning these magazines. Punish those who use them to commit crimes but leave the rest of us alone.

This is Unconstitutional under the 2nd Amendment to the US Constitution and no matter how you try to justify it, it is wrong.

Here is a news item from associated press about a similar ban in California. Luckily, someone has enough sense to see at least one of the problems with this legislation.

High-capacity gun magazines will remain legal in California under a ruling Friday by a federal judge who cited home invasions where a woman used the extra bullets in her weapon to kill an attacker while in two other cases women without additional ammunition ran out of bullets.

"Individual liberty and freedom are not outmoded concepts," San Diego-based U.S. District Judge Roger Benitez wrote as he declared unconstitutional the law that would have banned possessing any magazines holding more than 10 bullets.

Vincent Baratta

A voting resident of the Big Island

LATE

HB-1902-SD-1

Submitted on: 6/25/2020 7:47:41 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Lee Shannon | Individual | Oppose | Yes |

Comments:

Representative Matayoshi and Senator Keohokalole,

I note with grave concern the return of the state legislature to session with the requirement to RESUBMIT testimony on all matters up for vote. There is nothing about the pandemic that requires this. Rather, the decision may actually obfuscate the fact that certain bills may require additional scrutiny within the context of how the world has changed post-COVID-19, and in the midst of a rise in civil unrest. Specifically, HB 1902 and other bills related to imposing excessive limitations on ammunition magazine capacity and firearms possession. Our state already has some of the most restrictive gun control legislation in the United States, with no evidence of effectiveness in reducing violence.

I respectfully submit the following for consideration, in addition to the Harvard studies I have previously discussed with you showing magazine and rifle bans have no statistically significant effect on homicide rates, before you cast your vote:

1. The murder rate has not changed in Hawaii. According to available records the total number of murders in the state of Hawaii in 1968 (prior to national gun control) was 22. In 1998, the number was approximately 32 (in the midst of the "assault weapons" ban). Last year, despite additional restrictions on firearms ownership, the number was approximately 35. Keep in mind this includes all means of murder, not just firearms.
2. Violent crimes have increased in Hawaii. According to the FBI, violent index crimes (rape, aggravated assault, forcible sodomy) have risen in the state of Hawaii 500-800 percent, since the gun control act of 1968.
3. Police bullets are a leading cause of homicide in Hawaii. Last year, approximately 8 people in Hawaii were killed by police, potentially 25% of all homicides recorded.
4. The police in Hawaii need policing. Over the past 20 years, there have been at least 798 incidents of police misconduct in the state of Hawaii, to include federal crimes by the last Chief of Police and state prosecutors.
5. Ten bullets is often not enough. During self-defense scenarios, crime victims do not have time to reload, and may not have the marksmanship skills needed to end the threat to their lives and families. Historically, approximately 10-30% of attackers press their assaults even after receiving gunshot wounds. Of note, the

state range at Koko Head does not allow self-defense training, and a single practice session at a private range facility can cost between \$100-250. These facts make proper training difficult to obtain or prohibitively expensive for all but the wealthiest of Hawaii's people.

6. Home invasion crime in Hawaii is a team sport. Most burglaries and home invasions in Hawaii are perpetrated by multiple assailants, such as the armed robbery that occurred on Waikalualoko Street in our city in June of 2017. Injury or death was only averted by happenstance. Homeowners must be given all available means to defend themselves and provide a credible deterrent against harm to themselves and their families. Magazine capacity bans and rifle bans run contrary to their efforts.
7. It only takes one bullet to commit suicide. Any justification for restricting firearm magazine capacities based on anticipated drops in suicide rate is nonsensical, and tone deaf to the people who are hurting and in need of helpful and effective solutions.
8. Science shows magazine and rifle bans don't reduce gun violence. A recent Harvard University survey paper (Lee, et al 2017) summarized over 30 studies and controlling for multiple variables in various parts of America found principally that there is no scientifically measurable reduction in crime. These findings cannot be ignored. It is disingenuous for civic leaders to trumpet scientific data that support one political position (human caused climate change, coral bleaching, anti-vaccination) and deny science in other realms. Representative democracy depends on informed leaders making informed decisions.

For example, just last month (May 22nd) my family went through a traumatic event at our home when a fugitive was being pursued by police in the Hawaiian Memorial Gardens cemetery (across the street from my house) in your district. The stand-off with police (who were armed with assault rifles and standard capacity pistols with more than 10 rounds) lasted for hours, and to my knowledge, the suspect was never apprehended and slipped away into the neighborhood. The public was not informed of this event. Neither the police, nor the congressional district office, nor the news media let the neighborhood know of the potential danger. I only found out about this because a neighbor's friend was informed by a relative in law enforcement. We were left on our own. This event shows in stark relief to what degree we can depend on the state, versus actions we can take ourselves.

1. the current situation in America shows that when our institutions are questioned, large numbers of American citizens avail themselves of their constitutionally guaranteed Second Amendment rights as evidenced by the surge in first time gun buyers. The absence of police control (Seattle's CHAZ), abuse of police use of force (Atlanta), and rulings that the police have no legal accountability or responsibility to save lives (Parkland family lawsuit against the police was dismissed), and my own experience in your district at my home last month all demonstrate the citizens are ultimately responsible for their own safety. As a legislator it's time to recognize your primary responsibility in securing the rights of constituents, over support of legislation that neither keeps us safe, nor keeps us

free. Please vote against HB 1902 and the additional unnecessary and dangerous gun control measures under consideration. The facts and best available science don't support them. Thank you for your leadership on this unpopular but vital issue.

With Respect and Aloha,

Lee H. Shannon, PhD

LATE

HB-1902-SD-1

Submitted on: 6/25/2020 7:54:43 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I submit my testimony as a Law Abiding Taxpayer in opposition of this bill which will put undue hardship on recreational and competitive shooting enthusiast. Such legislation does not solve the root problem of criminals obtaining high cap magazines. Understand that criminals do not follow these laws. Focus your efforts on laws that will protect us not hinder us.

LATE

HB-1902-SD-1

Submitted on: 6/25/2020 9:14:41 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

HB-1902-SD-1

Submitted on: 6/25/2020 9:38:57 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

LATE

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

Comments:

Magazine limits serve no purpose. There was a national ten round magazine limit for years and FBI statistics show that it had no impact on crime. This just makes things harder for the law abiding citizen and shooting hobbist. Please vote againts this!

LATE

HB-1902-SD-1

Submitted on: 6/25/2020 9:49:09 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

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

Comments:

I strongly oppose HB1902. This bill does nothing and is ineffective in preventing "gun violence" and mass shootings. This is a laughable attempt by politicians to appease gun violence advocates. It puts a large financial burden on the citizens and over task local police department. The criminals don't give a dam about draconian laws you are imposing on tax paying, working class citizens. I have no criminal intent and will not back a government that aims to make me a criminal for owning firearms, accessories, and ammunition. If you pass this unconstitutional law you are violating your oath of office and my constitutional rights.

WE THE PEOPLE will retire you out of your political seat at the ballot box.

HB-1902-SD-1

Submitted on: 6/25/2020 9:51:35 AM

Testimony for JDC on 6/25/2020 10:00:00 AM

LATE

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

Comments:

I strongly oppose HB1902. This bill does nothing and is ineffective in preventing "gun violence" and mass shootings. This is a laughable attempt by politicians to appease gun violence advocates. It puts a large financial burden on the citizens and over task local police department. The criminals don't give a dam about draconian laws you are imposing on tax paying, working class citizens. I have no criminal intent and will not back a government that aims to make me a criminal for owning firearms, accessories, and ammunition. If you pass this unconstitutional law you are violating your oath of office and my constitutional rights.

WE THE PEOPLE will retire you out of your political seat at the ballot box.

From: [Ninja Forms TxnMail](#) on behalf of [Sean Goo](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 5:38:25 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Sean Goo

There is no buy back for all the legally owned magazines which were legally purchased. There is a current case in Duncan vs Becerra which is being litigated in the courts right now. I would estimate there is roughly at a minimum 500,000 of these magazines legally owned right now. It is wrong to take something legally owned by me and make them illegal for something I never have done. Punish the criminals not the law abiding citizens.

If you have any questions I can be reached at sean.goo23@gmail.com

The above testimony was written and submitted by Sean Goo

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From: [Ninja Forms TxnMail](#) on behalf of [Dan Goo](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 5:33:57 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Dan Goo

**DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED
MAGAZINES**

9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.

Violates the Second Amendment.

reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

fixes a problem that does not exist.

Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at dgoo@djspec.com

The above testimony was written and submitted by Dan Goo

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From: [Ninja Forms TxnMail](#) on behalf of [Ross Mukai](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 5:31:44 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Ross Mukai

I oppose this bill. I am greatly disappointed that Karl Rhoades has taken this opportunity to continue on his personal mission to ban guns, and has caused the legislature to spend any more time on his anti-gun quest, while there are certainly more important issues to consider such as maintaining a functioning economy and local government as the pandemic progresses to the new normal. The bill itself even starts out by proclaiming that "The legislature finds that the State has some of the strongest gun safety laws in the nation". If that is the case, why has Mr. Rhoades decided that the legislature should work on new gun laws instead of working to repair our hard hit economy?

If you have any questions I can be reached at rossmukai@gmail.com

The above testimony was written and submitted by Ross Mukai

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From: [Ninja Forms TxnMail](#) on behalf of [Brendon Heal](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 5:06:48 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Brendon Heal

Instead of concentrating on fixing Hawaii's broken economy and getting us back on our feet,
you in the legislature restart your gun grab.

We see in the mainland how the government utterly fail to protect and defend law abiding
citizens, leaving thousands defenseless and at the mercy of the mob.

Could it happen here? Maybe, maybe not. I do not care to depend on our government to do
what is right to protect my family. As it has been proven, time and time again, you fail the
basic protection of lawful citizens, criminals released, economy destroyed, and safety of our
children.

Of course you all are doing this behind sealed doors, and will only be allowing remote
submitted testimony.

I submit in opposition to all these further infringement on our gun rights.

This is an election year, this will not be forgotten.

Thank you

If you have any questions I can be reached at heaviescc@gmail.com

The above testimony was written and submitted by Brendon Heal

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From: [Ninja Forms TxnMail](#) on behalf of [ElishA Goo](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 5:42:35 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is ElishA Goo

I opposed this bill, you need to concentrate on the important things like getting us back to work and helping families in need during this time of Covid. Not making useless gun laws that effect law abiding citizens only and making laws that criminals do not obey anyway. It will be like the fireworks laws, the entire island is shooting off aerals and the cops just watch and enjoy the show. No one is going to turn in their magazines.

If you have any questions I can be reached at elisha.goo@gmail.com

The above testinony was written and submitted by ElishA Goo

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From: [Ninja Forms TxnMail](#) on behalf of [Vladimir Cabias](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 2:58:18 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Vladimir Cabias

I strongly oppose this bill which restricts the 2nd Amendment Rights for law abiding Hawaii residents.

The chaos and violence of the riots and looting going on in the mainland shows more than ever that legal gun ownership is important.

Any belief that such violence won't come to a Hawaii is wrong. Our state was not prepared for the pandemic because officials thought it would not come here.

The pending case in the 9th Circuit Court will determine magazine laws and could render this bill obsolete to begin with. There is no sense in pushing it.

If you have any questions I can be reached at vladimir_7n1@yahoo.com

The above testimony was written and submitted by Vladimir Cabias

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From: [Ninja Forms TxnMail](#) on behalf of [Jennifer Real](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 3:08:57 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Jennifer Real

I am writing to oppose HB1902JDC. There is no reason to pass a magazine ban that may well be ruled unconstitutional when the 9th Circuit Court of Appeals will release their decision in Duncan vs Becerra in the coming months. This violates the second amendment and criminalizes legal law abiding gun owners. Passing this law will just lead to expensive legal defenses in a lawsuit. I really think Hawaii , now cash-strapped with a tanking economy, should be focusing on the economy and COVID.

Thank you,

Jennifer Real, MD

If you have any questions I can be reached at jsreal@gmail.com

The above testimony was written and submitted by Jennifer Real

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From: [Ninja Forms TxnMail](#) on behalf of [Theodore Tran](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 3:09:55 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Theodore Tran

I strongly oppose this bill, as it would immediately make law abiding citizens as myself, felons. For simply owning items I already own and spent a lot of money on, and acquired legally.

It also infringes upon our constitutional rights, and inhibits our ability to protect ourselves, our loved ones, and other citizens in a time where there is growing dangers and criminals.

If you have any questions I can be reached at theotran@rocketmail.com

The above testimony was written and submitted by Theodore Tran

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From: [Ninja Forms TxnMail](#) on behalf of [Jefferson Constantino](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 3:28:54 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Jefferson Constantino

This another law that will only accomplish these things: It will turn law-abiding citizens into criminals. It will also make us less safe, should we find ourselves facing those who both have ill intent, and would not even follow this law. In short, this law only would make them stronger and us (the law-abiding) weaker.

This so-called law seems to be designed for law-abiding criminals. Show me first one of those and then I will start putting faith into this bill.

If you have any questions I can be reached at constantinojb@gmail.com

The above testimony was written and submitted by Jefferson Constantino

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From: [Ninja Forms TxnMail](#) on behalf of [Royce Luna](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 3:33:55 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Royce Luna

I oppose HB1902. It only punishes law abiding gun owners.

If you have any questions I can be reached at roluna2@yahoo.com

The above testimony was written and submitted by Royce Luna

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From: [Ninja Forms TxnMail](#) on behalf of [Kristin Hood](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 3:47:45 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Kristin Hood

**DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED
MAGAZINES**

9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.

Violates the Second Amendment.

reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

fixes a problem that does not exist.

Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at k-salyers@hotmail.com

The above testimony was written and submitted by Kristin Hood

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From: [Ninja Forms TxnMail](#) on behalf of [Blaine Stuart](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 4:20:17 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Blaine Stuart

I'm strongly opposed to HB1902 JC. I am an owner of many of these size magazines, and will have no choice but to file suit if this bill passes as it is an illegal and unconstitutional taking. It further reduces the purpose, and scope of the militia.

Legislators should be focusing on the covid response today, not seeking to limit constitutional rights. We are our constitutional rights to a militia today more than ever.

If you have any questions I can be reached at findbgs@gmail.com

The above testimony was written and submitted by Blaine Stuart

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From: [Ninja Forms TxnMail](#) on behalf of [Robert Sanchez](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 4:22:45 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Robert Sanchez

I oppose this bill. I was born in California only because my mother married my father who returned to the Viet Nam war. Upon his completion of two tours in Viet Nam we returned to Honolulu, Hawaii where my father joined the Honolulu Police Department. Since I was brought up in a military / police department family I received rifles and pistols for Christmas and birthday presents.

I am currently required to have a clean record for my employment with the State of Hawaii and feel that this bill and some of the others do not have grandfather clause that protect me as a law abiding citizen.

I believe the laws on the books are more than enough and restrictive enough.

If you have any questions I can be reached at bsanchez68@hotmail.com

The above testinony was written and submitted by Robert Sanchez

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From: [Ninja Forms TxnMail](#) on behalf of [Richard Elkins](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 4:24:11 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Richard Elkins

I oppose this bill, and you should too as an elected representative. This bill is a direct infringement of the citizens right to keep and bear arms. You swore an oath to defend my rights. DO. YOUR. JOB!

This bill is unlawful and dangerous because it:

Violates the Second Amendment.

Reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazine options.

Some magazines can not be modified.

Attempts to fix a problem that does not exist.

Allows law enforcement to check closed Family Court Records for firearms purchases.

You have more important, relevant matters to consider OTHER than curtailing my rights as a law abiding citizen.

If you have any questions I can be reached at alelkins@gmail.com

The above testimony was written and submitted by Richard Elkins

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From: [Ninja Forms TxnMail](#) on behalf of [Alexander Ibi](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 4:36:42 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Alexander Ibi

DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED

MAGAZINES. 9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.

Violates the Second Ammendment.

reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

If you have any questions I can be reached at honkykatonky@gmail.com

The above testinony was written and submitted by Alexander Ibi

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From: [Ninja Forms TxnMail](#) on behalf of [Robin Canape](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 5:49:40 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Robin Canape

I oppose this bill. It creates instant criminals out of law abiding citizens that legally purchased magazines. Takes no account that certain firearms have no low capacity magazines, can not be modified, and proposes legislation to fix a problem that does not exist. A bill should not also give anyone deemed law enforcement access to private and closed Family Court Records in order to purchase firearms or any other goods and services.

If you have any questions I can be reached at rcanape@gmail.com

The above testimony was written and submitted by Robin Canape

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From: [Ninja Forms TxnMail](#) on behalf of [Jason Klahr](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 7:21:01 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Jason Klahr

The purpose of the second amendment was for the people of the United States of America to protect themselves against the government in the event it ceases to uphold the constitution and becomes a rogue entity. Restricting the gun usage, ownership requirements, and defense capability of publicly owned firearms and not of law enforcement agencies is unconstitutional seeing that no such restriction is laid out in the constitution.

The red flag laws are merely an excuse to disarm those legal firearm owners who need to defend their homes that the police force is not able or unwilling to defend.

I urge you to focus on shrinking your governance of the people of Hawaii to its U. S.

Constitutional guidelines rather than inhibiting our freedoms laid out in its guidelines

I strongly urge you to come into compliance with the sunshine laws concerning public meetings and to postpone and or cancel the June 25 2020 meeting concerning bill HB1902
JDC

HIFICO's position: STRONGLY OPPOSE

DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED
MAGAZINES

9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.

Violates the Second Amendment.

reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

fixes a problem that does not exist.

Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at jasonklahr44@gmail.com

The above testimony was written and submitted by Jason Klahr

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From: [Ninja Forms TxnMail](#) on behalf of [Justin Chen](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 8:03:37 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Justin Chen

I own multiple firearms and all of them come standard with either 20 or 30 round magazines.

If firearms usually come standard with 20 or 30 round magazines then 20 or 30 round magazines are standard and would thus be considered standard capacity. Less than 20 or 30 rounds would be a low capacity magazine, and above 20 or 30 rounds would thus be considered a "high capacity" magazine. Thus banning magazines above 10 rounds and calling it a high capacity magazine ban is a blatant lie and holds no basis in reality except as a way to scare people who are ignorant on firearms as well as restrict our constitutionally protected right to bear arms. Having to buy 10 round magazines just for handguns is already painful since we live in Hawaii and have to pay extra for shipping just to get low capacity magazines and if this happens for rifle magazines then it will hurt our wallets even more.

If you have any questions I can be reached at xxzealotx@yahoo.com

The above testinony was written and submitted by Justin Chen

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From: [Ninja Forms TxnMail](#) on behalf of [Ryan Bell](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 9:03:02 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Ryan Bell

I am against this bill, I don't feel is the correct thing to do.

I also don't think this is the right time for going over these types of bills. Rather, focusing on
COVID-19 Economic and Financial Preparedness will be better to help us residents of
Hawaii.

If you have any questions I can be reached at belr@me.com

The above testimony was written and submitted by Ryan Bell

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From: [Ninja Forms TxnMail](#) on behalf of [daniel.phachomphon](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 9:21:55 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is daniel phachomphon

I oppose this bill because there is no need to change the already working laws in place for this matter.

If you have any questions I can be reached at sofilthyclean713@hotmail.com

The above testinony was written and submitted by daniel phachomphon

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From: [Ninja Forms TxnMail](#) on behalf of [Matthew Ranis](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 9:39:25 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Matthew Ranis

Hi, my name is Matthew Ranis and I STRONGLY OPPOSE this bill. Let me give you a little bit of my history. I am currently a State of Hawaii Government Official who Proudly wears my Uniform. I take my Oath to Our United States Constitution very seriously and try my best day in and day out to provide my community with fair treatment and behavior. I respect Everyone's rights as being an American citizen, and I truly feel this bill infringes upon our Constitutionally Protected Rights. Our Constitutions Sole purpose that makes this country the greatest country in the world is that it Protects it's citizens from a tyrannical government, and we need to humbly Re educate ourselves on what our true purpose is as Public Servants. Our citizens appoint their Trusted Government officials in your positions with trusting the fact that no matter what bills you think about passing for the "Better good" of our people, that you will Always Respect our Constitutional Rights. I myself have been diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) as a young child. And I definitely had my fair share of challenges, but it was nothing I could not overcome. My family was Anti Gun from as long as I can remember, which meant I didn't get the chance to be taught the right and safe way in how to properly handle and treat all firearms. But I ended up learning how to handle firearms later on in my life as I grew up. Fortunately I was lucky enough to have been taught by amazing older individuals who put Safety first at all times. But that unfortunately is not always the case. And that's where the problem lays in most situations in my opinion. We will not solve anything by making laws tougher on Law Abiding citizens preventing them even more from defending themselves from not only criminals trying to inflict harm, but also a tyrannical government. And that's what our Second Amendment clearly emphasizes on. And on top of all of that, our Second Amendment is the Only Amendment that Clearly states "Shall not be infringed". Please review everything you law makers are doing, and please humbly remind yourselves that at the end of the day, Us Government Officials have a Sworn Responsibility to uphold and protect our citizens constitutionally protected rights. Thank you so much for your time. God Bless you. God bless Hawaii. And God bless the USA.

Matthew Ranis

If you have any questions I can be reached at ranismatthew@yahoo.com

The above testinony was written and submitted by Matthew Ranis

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From: [Ninja Forms TxnMail](#) on behalf of [Justin De Leon](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 10:48:27 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Justin De Leon

I oppose this bill because for one standard capacity magazine for some rifles is 30 rounds.

Also we have the right as American citizens given by god to keep and bear arms they shall not be infringed. Putting a limit or ban on magazines for rifles or the current pistol magazine capacity limit is unconstitutional, as the definition to infringe is to limit and or undermine. So our 2nd amendment rights would be violated by the new and are currently being violated by the pistol magazine limit of 10 rounds. Which I feel should be abolished and there should be no limit on the pistols either

If you have any questions I can be reached at picniclick@gmail.com

The above testimony was written and submitted by Justin De Leon

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From: [Ninja Forms TxnMail](#) on behalf of [Mark Onnagan](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Sunday, June 21, 2020 11:49:19 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Mark Onnagan

Violates the Second Amendment. Also Takes lawfully owned property from law-abiding
gun owners. And Some magazines can not be modified. This won't fix a problem that does
not exist.

If you have any questions I can be reached at nagannokram@gmail.com

The above testimony was written and submitted by Mark Onnagan

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From: [Ninja Forms TxnMail](#) on behalf of [Mitchell Weber](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 12:11:54 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Mitchell Weber

I STRONGLY OPPOSE HB1902 JDC,

The special sessions focus should be limited to budget problems brought on due to Covid19,
not wasting money to criminalize commonly owned items.

HPD should not be exempt from any law limiting magazine capacity. If you believe a standard
capacity magazine is a tool reserved for war, why should the police be equipped such items?

If you have any questions I can be reached at mdotweber@icloud.com

The above testimony was written and submitted by Mitchell Weber

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From: [Ninja Forms TxnMail](#) on behalf of [Sean Loo](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 12:53:56 AM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Sean Loo

I oppose this bill because I do not feel that prohibiting large capacity magazines from law abiding firearm owners will make us more safe. If anything, law abiding firearm owners would be more in danger if this bill is passed because the criminals will be the ones with large capacity magazines, while the law abiding firearms owners will have the limited capacity magazines especially for self/home defense situations.

This bill (if passed) will not prevent criminals from acquiring large capacity magazine for a firearm that they illegally acquired because we all know criminals DO NOT follow the law.

If you have any questions I can be reached at seanhl10@gmail.com

The above testimony was written and submitted by Sean Loo

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From: [Ninja Forms TxnMail](#) on behalf of [Ryan Matsumoto](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 6:57:14 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Ryan Matsumoto

I strongly oppose this law because this bill violates my second amendment as a law abiding citizen. If this bill passes it will automatically make all law abiding citizens a criminal who posses standard capacity magazines. Why are we wasting TAXPAYERS dollars on an issue that's not an issue; we could be spending TAXPAYERS dollars better elsewhere. The state has bigger problems than trying to fix an issue that does not exist.

When a drunk driver kills an innocent victim, do lawmakers want to ban vehicles? When a criminal uses a sharp object as a weapon, do we ban the sharp object?

If you have any questions I can be reached at ryanm.matsumoto@gmail.com

The above testinomy was written and submitted by Ryan Matsumoto

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From: [Ninja Forms TxnMail](#) on behalf of [Daniel Duncan](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 8:09:47 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Daniel Duncan

Adding more gun laws does nothing to curb criminal activity. This law would limit a law-abiding citizen's right to protect themselves or others.

If you have any questions I can be reached at nacnudnad@gmail.com

The above testimony was written and submitted by Daniel Duncan

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From: [Ninja Forms TxnMail](#) on behalf of [David Barbieto](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 9:10:28 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is David Barbieto

This bill doesn't work at all and it makes law-abiding people into criminals. That's all it does and taking my rights as a free person away. I will not give up my magazines. I will not obey this infringement upon my rights. If I want a 30-round magazine, so be it. If I wanted a 100-round magazine, so be it. Welcome to the United States of America.

If you have any questions, I can be reached at dbarbietoiii@gmail.com

The above testimony was written and submitted by David Barbieto

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From: [Ninja Forms TxnMail](#) on behalf of [Austin White](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 9:51:54 AM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Austin White

HB1902 - RELATING TO FIREARMS. Prohibits the manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of ten rounds, regardless of the type of firearm with which the magazine is compatible. Makes an exception for possession and use by law enforcement agencies and officers.

I am asking you to vote NO on this item as this bill would continue to punish law abiding citizens of the State of Hawaii and infringe upon their right to defend themselves in a manner which they deem acceptable. There is little evidence that high-capacity magazine restrictions have any positive effects on public safety. The connection between the crime and the magazine is conjectural at best, while the prohibitions against such magazines have disrupted the lives of many otherwise law-abiding gun owners — and all without any evidence of improvements in public safety. It would severely impact their ability while at home in the unfortunate event of a home invasion. It's the middle of the night and someone breaks in with the intent to cause physical harm. The bad actors have firearms obtained illegally and are a threat to you and your family, but you are limited to only 10 rounds in a magazine and have no way to carry extra magazines in your pajamas and you are calling 911 with your phone in your other hand. What do you do? It has been proven on many different occasions that standard capacity magazines made the difference between life and death for the law abiding citizen. Criminals by definition do not follow the law and will continue to target our ohana and especially our kupuna.

Magazines can often be used for multiple calibers of cartridge, and the number of rounds they can hold depends on the caliber. For example, a certain magazine often affiliated with the AR-15 will hold 30 rounds of 5.56 mm ammunition but only 10 rounds of the larger .458 SOCOM ammunition. Many popular magazines have similarly variable capacities. This variability presents a tremendous practical issue with regard to regulating magazine capacity. How is the line to be drawn? Should the same magazine be legal or illegal depending on the cartridge used?

Magazine restrictions do not have appreciable effects on crime or violence. In a study by Christopher Koper the effects of the 1994 Federal Assault Weapons Ban, which banned new magazines of more than 10 rounds but did little more than drive up the price of already-existing magazines. While presenting his findings at a Johns Hopkins summit on reducing gun violence in America, Koper was decidedly noncommittal on the ban's utility. -"In general, we found, really, very, very little evidence, almost none, that gun violence was becoming any less lethal or any less injurious during [the course of the Assault Weapon and Large Capacity Magazine (LCM) ban]. So on balance, we concluded that the ban had not had a discernible impact on gun crime during the years it was in effect."

A magazine is an essential and deceptively complicated component of a self-loading firearm. In fact, magazine malfunctions are the primary source of breakdowns in self-loading weapons. Every detachable magazine requires a tremendous amount of complex engineering. Tiny inconsistencies in the angle of the feed lips, the spring tension, the wall thickness, or other components of the magazine can render a firearm nonfunctional. Any properly informed discussion of magazine restrictions must take this fact into account.

Banning magazines with capacities of more than 10 rounds does nothing to address the real issues of crime in Hawaii and is only trying to fix a problem that doesn't exist. Banning standard-capacity ammunition magazines won't reduce the number of shootings any more than banning 100 proof alcohol over 80 proof alcohol would reduce alcohol-related fatalities.

I urge you to oppose this measure and to work to repeal the current law of pistol magazine restrictions for the safety and welfare of Hawaii residents.

If you have any questions I can be reached at austinowhite@gmail.com

The above testimony was written and submitted by Austin White

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From: [Ninja Forms TxnMail](#) on behalf of [Gavin Lohmeier](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 10:07:16 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Gavin Lohmeier

strongly oppose HB1902 JDC. this is an infringement of the second Amendment. 30 round magazines are not high capacity, they are normal capacity magazines for the AR platform and many other rifles. this is the magazine capacity that the rifle was designed to work with and function without failures. 30 round magazines or more is necessary to defend against more than one threat, if you have more than one threat you will need more than 10 rounds. again, strongly oppose this bill. it will not make a difference in lowering gun violence in Hawaii, it will only infringe on law abiding citizens' rights.

thank you,

Gavin Lohmeier

If you have any questions I can be reached at onederful100@aol.com

The above testinony was written and submitted by Gavin Lohmeier

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From: [Ninja Forms TxnMail](#) on behalf of [William Chase](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 10:15:14 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is William Chase

I strongly oppose this bill. Why is gun legislation being put forth in an emergency session in the middle of a international pandemic. The 9th circuit is to hear and decide Duncan VS. BECERRA in the coming months, it had original been found to be unconstitutional; but the state of california ag asked for a stay of the order. Weaponizing the courts for political gains to push an agenda of anti 2A laws and inhibit law abiding citizens from practicing there rights.

If you have any questions I can be reached at wmc@hawaii.edu

The above testinony was written and submitted by William Chase

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From: [Ninja Forms TxnMail](#) on behalf of [Chase Cavitt](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 10:24:51 AM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Chase Cavitt

I am apposed to what is being proposed with this bill and would like to share why. I would like to give my testimony and would appreciate if those voting on the issue would consider what I have to say, as policy like this would criminalize me and force my family to move, along with our two business located on Maui, Hawaii.

I know this is long but I sincerely hope each word is read by those voting on this issue and that my story is not silenced, thank you for your time and consideration.

Firstly, the restriction of magazines with a capacity over 10 rounds is unjust and purely being forced out of ignorance and fear. They are not considered high capacity when holding more than 10 rounds; they are considered to be standard capacity in most cases with magazines holding usually 30 rounds in the most common AR15 rifles. Changing the definitions to fit the legal agenda should be illegal and is deceptive at least and should be noted by those voting on the issue that the defining terms are changed to effect the outcome. The imaginary line drawn up by politicians who do not own firearms is not fair to those who actually are knowledgeable and understand what's being discussed. I am very much educated on the realities of firearms and the dangers of criminals with any weapon. I work to provide training with my business to help others know how to handle an active attacker scenario and have done this for years with law enforcement, government agencies and for private businesses. My position and training has allowed me to see why a law like this, in theory would be nice, but the effect of preventing mass casualties by lowering magazine capacity is not logical and does not happen so easily. Criminals are just that, criminals. They can order, or even 3d print their own magazine containing more than 30 rounds off of thousands of online retailers with no prevention method other than it being deemed "illegal" if this were to pass. They can also legally buy a belt fed gun right now legally and shoot 100rds at a time if they like and it still would be illegal if used in a crime. I currently have hundreds invested into 30 round magazines for my personal use, training and eventually to use with my work as I am studying gunsmithing now and test fire rifles often at the range. I am working to become a gun manufacturer here in Hawaii for my work since I was forced to close my business with the quarantine and was seeking out ways for my business to succeed going forward with all the changes. This would be just one more limitation forcing me to reconsider living and running my business in Hawaii. By making this law, you would criminalize me, force me to sell my legally obtained property or be forced to face legal consequences. This sounds like a manipulative system and should NEVER be allowed to pass. I pray with all that I am as a man that those with governing powers would simply stop assaulting my passion, business, hobby and freedom to protect my home and I know I'm not the only Hawaii resident who feels this way. That brings up the last point and probably the most logical regarding magazine capacity.

30 rounds in a magazine could save someone's life versus a 10 round magazine, if there was another gun in the scenario or even a knife. Let's say a homeowner stops a threat with a firearm but one or two of the criminals fires back with an illegally acquired firearm. They might need to engage longer to separate themselves and get to a safe place to barricade and wait for PD. I do this scenario for work and I can tell you without a doubt in my mind that 10 rounds magazines limitations are unjust, dangerous and built on ignorance and do not make a criminal less of a threat with a firearm and could potentially harm the one using it for defense by lowering the capacity. This makes me think of one friend who is paralyzed with limited arm and hand function and has a very hard time to load and unload but he still shoots for hobby and has a home defense handgun that is already limited to 10 rounds. He has 10 round pistol magazines and when we discussed his home defense plan he expressed how scared he was if he ever had to actually use it, simply based on the fact that he had less shots and less chances to be safe if so. This is only 1 person who is wrongly forced to be more unsafe and his situation and story should not be ignored. I can change a magazine in my pistol or rifle in 1 second or less and fire on target by 1.4 seconds. I train for competitive shooting and I know hundred of others who do in Hawaii as well and this law would mainly effect that hobby by removing our right to compete with the standards nationally. So I ask you, if the argument that it could hurt someone by allowing them to own a magazine with a capacity higher than 10 is valid then could it not also be considered valid that having 10 rounds or less could potentially harm owners of those weapons and their families they hope to protect? I hope I do not have to move this year but I will leave Hawaii along with my wife and son if this becomes a law. We have a tax paying photography business and a retail business on Maui that will leave for good with us if this is the case. I hope you can feel empathy towards those who are actually effected by this and give us all some peace of mind that our rights to exist here aren't going to be removed.

This brings us into the next segment of this proposed ruling, the fact that due process is removed in this state and you are considered guilty of being mentally deficient regardless of due process or if it's actually the case. A person in all 50 states who has been mentally adjudicated in a court of law will NOT be able to legally acquire a firearm. This is already a federal law and the Hawaii additional terms within the state laws addressing the same topics seems to effect more law abiding, normal and healthy people than it does to prevent those who may struggle with mental health from getting a firearm. It is also important to note that the sick individuals who are being prevented access can still gain access in many illegal ways but this only prevents them from legally acquiring, going to public ranges and getting legitimate training. Essentially, they will have chosen to break the law after a denial, yes that might be the case, but they would be forced into the illegal actions if given no other method to obtain it if they felt it necessary. The guise that "mental health issues" are all the same level of risk or require a person to not be able to own a gun is highly disturbing to me and I fear the day that these same politicians turn that thinking towards other rights, such as our right to vote and more. I know how unbelievably wrong and unjust this law is because I have lived it and was negatively effected by it myself. I was given a false proposed diagnosis by a doctor in college and years later had to deal with the unconstitutional Hawaii laws that limited my rights to access to the 2nd amendment when I moved back to Maui. I faced these issues after being a legal gun owner in other states and regardless of my training. I am currently working with an attorney to address the loss and hardship created without due process that this law caused me and I hope to speak up and help expose how wrong this all is. I was able to prove my mental and physical health was more than sufficient for ownership and did in fact get my rights restored but I must implore how unbelievably wrong on every level this process was. I was treated and talked to like I was a criminal. This same treatment could be enacted on a

person who saw a doctor for nail biting and was diagnosed with ocd. Any behavioral “issue” causes a loss of 2nd amendment rights in Hawaii and it is simply not doing justice for the people. This is wrong and ironically lead to being a detriment to my actual health and well being. The process to get my rights restored, Althing seemingly simple in writing, takes months and cost me financially and was demeaning/ demoralizing to say the least. I was a patient with Kaiser Permanente and their policy forced the doctors to not be able to assist me due to the discussion topic being firearms. I had no reason to be denied and all the doctors I spoke with agreed but their business policy would not allow them to assist for that specific topic. After working with them for 2 months I was able to have an actual threat assessment done and a general diagnosis inquiry and was found to be perfectly normal and healthy. The single doctor from over 10 years ago who was completely wrong and did not even perform the proper diagnosis process caused me to lose my rights years later and shows just one version of how this law negatively impacts our community members. The shame associated with this was enough to effect my general feelings daily and let alone my actual safety was put at risk by removing my right to defend my home. I feel I have more reasons than most to be concerned with my right to defend myself being removed due to my work circumstances. In order to do the work that my training business does, we have replica firearms in addition to the inventory from my retail business that sells airsoft guns and training guns and even some very realistic movie props that are used in films here in Hawaii. My business, was forced to be closed due to the quarantine restrictions and caused me to have to bring the entire inventory to my home for storage. I am well known on Maui and my home was at risk for the last few months while going through this process and being denied a permit to aquire. The fact that I was given my rights back and got the permit to acquire shows that it was not needed ever for me to have faced all of this and this is just one example of how unjust and wrong these laws are with nothing to compensate my time or hardship I faced as the result. I now have an effective defense plan for my home and sleep well at night knowing that I can defend myself, my wife and my son. My only concern now is that the government officials will demonize me, make me a criminal over the magazines Or parts I use when I have gone above and beyond to adhere to the rules and laws. This is an unfortunate abuse of power by those who are not effected by the ruling and MUST not be allowed!

I strongly urge you to contact me or someone like myself who has gone through the process to explain how it felt as a citizen being treated this way. One major point to consider is the fact that once you are “denied” your rights, you have to prove your innocence. That is not due process and this is removing consitutional rights from law abiding and healthy individuals. I am 100% aware of the effects an unstable or simply enraged man or woman can cause with a firearm, I am also aware of the damage they can cause with a 2000lb lethal weapon also known as a vehicle and until the right to driving is removed from those effected by mental health issues then they should be left to the same standards that every other state and the federal government adheres to for access to firearms.

Please call me for a better understanding of my situation and my testimony. I would be willing to do a video interview or even come and testify in person if needed. I will do whatever I have to do in order to remain in Hawaii and have my business be able to exist here, in addition to my right to defend my family. Thank you for your time and consideration.

Sincerely,
Chase Cavitt
Pacific Arms Co. LLC
(808)298-3508
pac808info@gmail.com

If you have any questions I can be reached at pac808info@gmail.com
The above testimony was written and submitted by Chase Cavitt
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From: [Ninja Forms TxnMail](#) on behalf of [Jonathan Carbone](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 10:29:01 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Jonathan Carbone

Violates the Second Amendment.

reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

fixes a problem that does not exist.

Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at carbone.jonathan.paul@gmail.com

The above testimony was written and submitted by Jonathan Carbone

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From: [Ninja Forms TxnMail](#) on behalf of [Daniel P Wela](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 10:53:16 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Daniel P Wela

I strongly oppose this bill. Your bill limits my ability to effectively protect my family. During a time of pandemics, civil unrest and criminals being released early from incarceration you would seek to limit my options of self defense. Deal with the Covid 19 situation and stop sneaking around to infringe upon my rights.

If you have any questions I can be reached at homeka45@gmail.com

The above testimony was written and submitted by Daniel P Wela

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From: [Ninja Forms TxnMail](#) on behalf of [Lionel Delos Santos](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 11:17:56 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Lionel Delos Santos

Aloha legislature, I strongly oppose this bill because it will not make a difference how many
rds knowing they are criminal out there can get them of the street or black market , like how
they getting fireworks can t stop that from happening ,the guns law have more crime will
happen .

Thank you

lionel

If you have any questions I can be reached at lioneldelossantos@yahoo.com

The above testimony was written and submitted by Lionel Delos Santos

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From: [Ninja Forms TxnMail](#) on behalf of [Stat Taripe](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 11:45:06 AM

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Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Stat Taripe

This will not do anything to improve the gun crime in Hawaii. I oppose to this bill!

If you have any questions I can be reached at staripe@gmail.com

The above testimony was written and submitted by Stat Taripe

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From: [Ninja Forms TxnMail](#) on behalf of [Alex Lopez](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 12:17:21 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Alex Lopez

I love my country, I love how this country was founded. Yes the times are changing, but people typically are still the same. You will always have hard working, honest living men and women. Just as you will always have criminals, who disobey the laws, creating tougher living situations for the law abiding citizens. The 2nd Amendment "Shall not be infringed". The point of the 2nd amendment, is to equip our American citizens with the ability to protect themselves, their family and property from all threats, foreign AND domestic. At these current times, most of us are more concerned with the threats that are domestic. As you have seen in Seattle, criminals have the ability to take over a city and essentially hold small business owners and their neighbors hostage. All because they were able to obtain weapons that the average citizen cannot. Some of the violent protesters that have been caught and arrested had government issued weaponry. The flow of illegal weapons will never stop. The largest army in America should always be We The People. For it is our responsibility to act. "But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and provide new guards for their future security." I believe our forefathers knew times would change, but they were unsure of the magnitude of such changes. They did, however, give us the tools and the rights to repel any treasonous acts that may be brought upon our American citizens. The only thing that a bill like this will do, is turn law abiding citizens into targets and enemies. For there will always be a true American ready to put his/her life on the line for their family. And we will do whatever it takes to make sure our 2nd amendment will continue to NOT be infringed upon. Thank you for your time.

If you have any questions I can be reached at alexandre.lopez@outlook.com

The above testimony was written and submitted by Alex Lopez

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From: [Ninja Forms TxnMail](#) on behalf of [APOLONIO DULATRE](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 12:18:07 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is APOLONIO DULATRE

I oppose the HB1902.

If you have any questions I can be reached at apolonio.dulatre@yahoo.com

The above testinony was written and submitted by APOLONIO DULATRE

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From: [Ninja Forms TxnMail](#) on behalf of [Kyle Ragan](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 1:18:23 PM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Kyle Ragan

As a law abiding gun owner who truly appreciates your efforts to keep our state safe, I strongly oppose this bill.

It is disappointing to see our lawmakers attempting to push multiple pieces of legislature through under one bill. It could potentially stop a very important piece of legislature from passing, or oppositely could allow something to pass simply because it is piggybacking on something of higher importance. Either way, it is sneaky and builds mistrust with the people.

With that being said, I do agree that individuals with certain mental disorders should not be permitted to possess a firearm. I do agree that individuals with a record of certain types of criminal offenses should not be able to possess a firearm. I strongly disagree with magazine capacity restrictions as this jeopardizes the safety of the citizens who obey the law.

I will not hide behind the phrase that "it is used for hunting". I will openly admit that I believe a high capacity magazine is a tool, and like any other tool, it serves a specific purpose. None of us ever want to be in a position where a 30 round magazine is necessary, however, we do recognize the possibility of finding ourselves in a situation when one is needed. Much like a seat belt in a vehicle, a life preserver at the pool, an AED kit in a place of business, all are tools with specific purposes designed to save lives until help arrives.

In recent days you have all seen rioting, looting, property damage galore, home invasions, assaults, murders, and an incredible amount of social unrest. We all pray that these situations will never occur but the sad reality is that they are possible at any time, and are happening right before our eyes. Taking away high capacity magazines takes away a law abiding citizens ability to protect him/herself and their loved ones in the moment when protection is needed most. Criminals or those who are hell bent on harming others will always find a way to do it, regardless of wether you limit magazine capacities or take guns away all together. Don't punish the responsible majority who follow rules and have everyone's best interest at heart.

On another note, some firearms come standard issue with magazine capacities that exceed 10 rounds. This law would force the owners of those firearms to discard their lawfully possessed magazines, just to turn around and purchase new ones that are of an approved size. This would certainly cause a significant amount of financial burden on the hard working, law abiding citizens, as not everyone has money to quite literally throw away. This is more important now than ever as unemployment rates are sky high. You could potentially be putting a law abiding citizen in a situation where they must decide between following your new rules, or not being able to defend their families because of monetary constraints. Not all

citizens have the same salaries as the ones making these rules.

I ask that you reconsider this bill, as once again, only the hard working rule following citizens, as well as the safety of their families are being affected.

If you have any questions i can be reached at kylerragan05@hotmail.com

If you have any questions I can be reached at kylerragan05@hotmail.com

The above testimony was written and submitted by Kyle Ragan

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From: [Ninja Forms TxnMail](#) on behalf of [Norman Batino](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 1:20:57 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Norman Batino

I oppose HB 1902

Private citizens ALWAYS face the threat before the police arrive. I logically want whatever cops choose to carry. Who's to say, one day I will not be in a predicament that a police officer is in. That 11th round may mean life or death. How many cops choose a ten round magazine? Ask ! How accurate under unbelievable stress of a life-or-death encounter is the police vs citizens with his ammunition? Is the life of a policeman more important than mine?

People are rioting business by the thousands. 50 rioters heading in your direction all with weapons. They will see the law abiding citizen and say "haha he's only got 10 rounds" he's a dead man.

Because it is your most fundamental right as guaranteed by the U.S. Constitution, and, more importantly, as given by G-d Almighty: the right to the righteous defense of yourself and the innocent. "Shall not be infringed" simply means what it says. When politicians infringe on magazine capacity, they infringe on the Second Amendment. You should want a high cap mag because you can have one!

If you have any questions I can be reached at hawaiankin@aol.com

The above testimony was written and submitted by Norman Batino

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From: [Ninja Forms TxnMail](#) on behalf of [Scott Shimoda](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 1:47:58 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Scott Shimoda

I strongly oppose HB 1902 JDC. Most of these magazines capable of holding more than ten rounds are in fact standard equipment for commonly owned firearms. The language of this legislation is vague and could implicate those who have received treatment for common, non-dangerous mental health issues. This legislation further stigmatizes individuals who receive mental health treatment, and may even discourage minors who need help from seeking it out for fear of having their rights restricted later in life.

If you have any questions I can be reached at scottmhs@hawaii.edu

The above testimony was written and submitted by Scott Shimoda

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From: [Ninja Forms TxnMail](#) on behalf of [Normand A Cote](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 2:06:35 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Normand A Cote

Aloha JDC,

I strongly oppose HB1902!

You are taking away my right to defend myself and my family. If our trusted police officer's shoot 40 to 50 rounds at one suspect, how does a citizen with little training protect his family with 10 rounds. Impossible!

In addition, you are restricting my rights, as a law abiding citizen, not the criminals and sick people.

Please do not pass the bill.

Respectfully,

Normand A Cote
Law Abiding Citizen

If you have any questions I can be reached at ncote@hawaii.rr.com

The above testinony was written and submitted by Normand A Cote

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From: [Ninja Forms TxnMail](#) on behalf of [Jermaine Baraoidan](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 2:32:22 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Jermaine Baraoidan

I oppose HB1902 JDC. It is taking the rights away from ,honest ,deserving,hardworking and
innocent people , possibly making us vulnerable to criminals.

If you have any questions I can be reached at jermzbar@gmail.com

The above testinony was written and submitted by Jermaine Baraoidan

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From: [Ninja Forms TxnMail](#) on behalf of [David Lau](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 2:41:27 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is David Lau

I am in opposition to HB1902 JDC. It will not stop crime as intended. Criminals do not follow the law and bills like these, if passed, will only hurt law abiding citizens.

If you have any questions I can be reached at vicness151@yahoo.com

The above testinony was written and submitted by David Lau

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From: [Ninja Forms TxnMail](#) on behalf of [Don Krasky](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 3:00:23 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Don Krasky

As these bills do nothing to stop criminals from obtaining weapons while placing additional
burden on law abiding citizens, I urge you to oppose them.

If you have any questions I can be reached at dkrasky@gmail.com

The above testinony was written and submitted by Don Krasky

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From: [Ninja Forms TxnMail](#) on behalf of [Henry August](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 3:17:18 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Henry August

Please allow all magazine. It's our write to bear arms.

If you have any questions I can be reached at homelix@yahoo.com

The above testimony was written and submitted by Henry August

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From: [Ninja Forms TxnMail](#) on behalf of [BYON NAKASONE](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 3:33:44 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is BYON NAKASONE

I oppose this bill!!!!!!!!!!!!!!

If you have any questions I can be reached at info@robby-inc.com

The above testinony was written and submitted by BYON NAKASONE

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From: [Ninja Forms TxnMail](#) on behalf of [Bobby Smith](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 3:50:48 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Bobby Smith

A couple months ago I sat in the meeting Which included Jarrett Keohokalole. I can't begin to express this point When Hawaii Gun owners pleaded their case In regards to the lunacy of Democratic politicians pushing through another asinine bill, including "ghost guns." Seriously, do you think that the criminal element in Hawaii is actually sitting around and building ghost guns? And as it pertained to even more restrictions on rifle magazines, pistol magazine, And the ability to limit them to under 10 rounds And restrict a gun owner from his basic right, I listened to Jarrett Keohokalole openly say that he "does not agree with us." On any of the issues. Everyone was extremely polite unfortunately many people danced around elephant in the room which was almost basic God-given right, being able to protect yourself and your family. Apparently the Democratic politicians are all firearms experts, because they know exactly what's going to take to stop the potential threat. Given the fact that in Hawaii we already have responsibility to flee, it must be fairly obvious to every Democratic politician that they already know that they are doing absolutely nothing for our safety, and everything that they can possibly do to make every Hawaii citizen more vulnerable and a potential victim. Since the 25th day of May, we had watched the entire country implode due to the murder of George Floyd in Minneapolis. We watched millions of dollars of property being destroyed, innocent people have been attacked, assaulted and killed and we have watched the rise of a radical movement that is intentionally trying to provoke incident with our law enforcement officers across the country. We have watched a portion of an entire city become a foreign occupied territory under the threat of violence and force. And yet the politicians of Hawaii still look each and every one of us in the eye and tell us that what were seeing on a daily basis is not happening. What we watching and witnessing the basis that never happened here. And they are intent on disarming us. I absolutely oppose this bill Or any other bill which would in any way inhibit my ability to defend myself or my family because in the eyes of the Democratic medical party, they believe that in their infinite wisdom, all I need is 10 bullets or less.

If you have any questions I can be reached at smithtkd1@yahoo.com

The above testinony was written and submitted by Bobby Smith

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From: [Ninja Forms TxnMail](#) on behalf of [Michael Olanda](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 3:58:38 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Michael Olanda

This law only weakens the power of law abiding citizens to protect themselves.

If you have any questions I can be reached at michaelmikeomotorcycle@yahoo.com

The above testimony was written and submitted by Michael Olanda

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From: [Ninja Forms TxnMail](#) on behalf of [Ron Klapperich](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 4:03:15 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Ron Klapperich

I strongly oppose this bill because it tries to fix a problem that doesn't exist in Hawaii. This places an undue burden on gun owners and the stores. Additional reasons are:
**DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED
MAGAZINES**

9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.

Violates the Second Amendment.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at rgklapp@yahoo.com

The above testimony was written and submitted by Ron Klapperich

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From: [Ninja Forms TxnMail](#) on behalf of [Travis Voorhis](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 4:06:31 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Travis Voorhis

I am a avid sport shooter and big game hunter

I am a law abiding citizen whom proudly supports my second amendment rights i practice and
teach proper gun safety and the love of fire arms in our great nation.

I hear by ask that bill HB1902 be thrown out i have the right to own my large capacity
magazine i use my fire arms safely and as intended.

My owning of guns and the components are not a threat or a danger and to ban them is a
infringement on my rights

If you have any questions I can be reached at Travisvoorhis@gmail.com

The above testinony was written and submitted by Travis Voorhis

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From: [Ninja Forms TxnMail](#) on behalf of [Shane Agena](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 4:17:40 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Shane Agena

This bill has no purpose other than taking away our rights please oppose this

If you have any questions I can be reached at shanehchkr@yahoo.com

The above testinony was written and submitted by Shane Agena

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From: [Ninja Forms TxnMail](#) on behalf of [Christian Grado](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 4:49:03 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Christian Grado

The use of standard capacity magazines should not be restricted to law enforcement and military personnel, as it directly contradicts the ability of ordinary citizens to act as the constitutionally required militia.

Also, any gun law is an infringement of the 2nd Amendment.

If you have any questions I can be reached at cgrado@gmail.com

The above testinony was written and submitted by Christian Grado

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From: [Ninja Forms TxnMail](#) on behalf of [Alvin Rodrigues](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 4:57:23 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Alvin Rodrigues

This law will take away my lawfully owned property that I have spent hundreds of dollars on which I had to work many hours to earn. Taking away my property that I lawfully bought without fair compensation should be CRIMINAL. And even the thought of turning law-abiding gun owners into criminals for having paid for, bought legally gun accessories is a disgusting cowardly act of each and every one of you, our elected officials.

Did you become our representatives to make fair lawful decisions or are you going to be COWEREDS WHO TURN LAW ABIDING CITIZENS INTO CRIMINALS OVER LAWFULLY AQUIRED ACCESSORIES That we have worked hard to be able to afford and own. You our elected officials are proposing a law to strip us citizens of our lawfully paid for property without any compensation THAT IS CRIMINAL.

If you have any questions I can be reached at al_bkk@yahoo.com

The above testinony was written and submitted by Alvin Rodrigues

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From: [Ninja Forms TxnMail](#) on behalf of [Lois Brown](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 6:17:54 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Lois Brown

this bill would instantly criminalize law-abiding, responsible gun owners.

you can't write legislation that would take away lawfully-owned property away, violates the
2nd Amendment.

lastly, attempting to slide this legislation in when the public CANNOT attend hearings is very
mistrustful. we ALREADY have very little confidence in our legislative leadership, this will
only serve to make that worse.

If you have any questions I can be reached at loisbrown808@gmail.com

The above testimony was written and submitted by Lois Brown

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From: [Ninja Forms TxnMail](#) on behalf of [Paul Ferreira](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 7:08:58 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Paul Ferreira

I do not support any of these bills and I'm asking you not to support them either. I've been a Corrections Officer for 18 years. We as Corrections Officers are not allowed to carry firearms off duty to protect the public and ourselves. Only the Police and Sheriff's department are allowed that.

I can tell you that Criminals do not follow Laws. When you make Laws that limit magazine capacity and other Laws that restrict Law abiding citizens from buying gun parts you take away the rights of only The Law Abiding Citizens. Not the Criminals.

I ask you again. Please don't support these gun bills. Thank you.

If you have any questions I can be reached at pl.ferreira77@gmail.com

The above testimony was written and submitted by Paul Ferreira

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From: [Ninja Forms TxnMail](#) on behalf of [Phillip Root](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 7:16:11 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Phillip Root

I strongly oppose this bill.

If you have any questions I can be reached at ej031166@yahoo.com

The above testinony was written and submitted by Phillip Root

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From: [Ninja Forms TxnMail](#) on behalf of [brian peter dy](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 7:18:55 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is brian peter dy

I oppose, infringing my 2nd amendment rights of the future generation

If you have any questions I can be reached at brian22dy@yahoo.com

The above testinony was written and submitted by brian peter dy

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From: [Ninja Forms TxnMail](#) on behalf of [Mark Yokota](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 7:51:53 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Mark Yokota

I am opposed to this bill and it's sister bill in the state senate. With the rioting that has occurred over the recent weeks on the mainland, citizens should have the ability to protect themselves and their families from criminals without burden. This bill, if passed, will undoubtedly face the same legal challenges from law abiding citizens as Duncan V. Becerra.

If you have any questions I can be reached at mark.yokota@gmail.com

The above testimony was written and submitted by Mark Yokota

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From: [Ninja Forms TxnMail](#) on behalf of [Ramel Fulgueras](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 8:09:19 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Ramel Fulgueras

To whomever it may concern,

My name is Ramel Fulgueras, 33 years of age. I am a father of 4, a resident of Hawaii most of my life and a member of the Armed Forces Reserve. I have supported Democrats Candidates many of times before but it's times like these were you lose me and got me asking why? We're not the mainland! I am not going to sugar coat this and make any of you feel warm inside. I'm pissed that you people always punish the law abiding citizens, I witnessed you "Senators" continue to fail your oath of office time after time...and continue to infringe on our rights. You guys seriously need to ask yourselves, What are these anti gun bills really going accomplish for these criminals? Tell you what... Not a damn thing but make the black market richer! You people continue to waste tax payers money on these useless agendas. It's always during election season you people fish for votes, make promises your asses can't keep and ignore the very people you represent and voted for you. But instead, you let criminals loose on the streets and force incarceration on those awaiting their trials. To me, None of you are leaders, your all followers, representatives that turns a blind eye and ignore the communities to push your very own political agendas. We're lucky to have the Aloha spirit implanted into our hearts growing up here. But you guys take advantage of that. You push people enough, they'll push back. You guys need to get your shit together, get your heads out of your asses and stop trying to be like the mainland. Fix our failing economy, really help the hurting people of Hawaii and please stop trying to make everyone who lives here your enemies. It's very obvious I oppose these bills, because I believe that if or when those important seconds come that I have to choose between life and death to save me and my family, your political agendas only turns me into a criminal and a victim of a crippled statistic.

-Mahalo

If you have any questions I can be reached at rfulgueras@gmail.com

The above testinony was written and submitted by Ramel Fulgueras

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From: [Ninja Forms TxnMail](#) on behalf of [Myron Hoefler](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 8:40:08 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Myron Hoefler

It would be imprudent and irresponsible to pass this HB 1902 into law until *Duncan v. Xavier Becerra* is decided upon appeal later this year in California. Until then, the 9th circuit district court has rendered its judgment and found that a ban in California on the possession of magazines with greater than 10 round capacity "...burdens the core of the Second Amendment by criminalizing the acquisition and possession of these magazines that are commonly held by law-abiding citizens for defense of self, home and state. The regulation is neither presumptively legal nor longstanding. The statute hits at the center of the Second Amendment and its burden is severe." (Judge Roger Benitez, *Duncan v. Becerra* March 29, 2019).

I believe that Judge Benitez got it exactly right in his judgement, and his superlative defense of our personal rights against overbearing, ill-founded legislation like HB 1902 is long overdue and most welcomed. I urge you to get a copy of this ruling and read it carefully as it completely dissembles the shallow reasoning put forth as justification for the ban proposed by this bill.

If you have any questions I can be reached at mhoefer@hawaii.rr.com

The above testimony was written and submitted by Myron Hoefler

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From: [Ninja Forms TxnMail](#) on behalf of [Colby Sakumoto](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 8:49:54 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Colby Sakumoto

I strongly oppose the passing of HB1902 because of the following reasons:

1. This bill will take lawfully owned property away from law-abiding firearm owners.
2. This bill will criminalize law-abiding firearm owners.
3. This bill is written without taking into consideration that the vast majority of firearm magazines cannot be modified to comply with the 10-round ammunition capacity limit proposed with HB1902. Law abiding owners of these magazines would have no other choice than to discard of these expensive items without compensation.

If you have any questions I can be reached at 10metertuners@gmail.com

The above testimony was written and submitted by Colby Sakumoto

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From: [Ninja Forms TxnMail](#) on behalf of [Jonagustine Lim](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 8:52:52 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Jonagustine Lim

I strongly oppose HB1902. This bill is a serious violation of the rights of law abiding gun owners, takes away property and makes criminals of legal firearm owners with no grandfathering of currently owned magazines.

Please kill this bill.

If you have any questions I can be reached at jonagustine_lim@yahoo.com

The above testimony was written and submitted by Jonagustine Lim

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From: [Ninja Forms TxnMail](#) on behalf of [Linda Castro](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 9:05:32 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Linda Castro

STRONGLY OPPOSE

This bill does not allow for grandfathering of currently owned magazines and will criminalize
law-abiding gun owners.

If you have any questions I can be reached at geli.bean@yahoo.com

The above testimony was written and submitted by Linda Castro

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From: [Ninja Forms TxnMail](#) on behalf of [Kristin manganello](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 9:19:52 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Kristin manganello

I dont want my second amendment stolen from me. Wether I chose to bear arms is up to me
and not the goverment. Hence my second amendment. I do not own a gun but after having an
old resident stalk my 11 year old daughter and be complete helpless bc the laws protect the
trespasser and NOT the homeowner.

If you have any questions I can be reached at Klmanganello@gmail.com

The above testinony was written and submitted by Kristin manganello

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From: [Ninja Forms TxnMail](#) on behalf of [Honson Nguyen](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 9:44:06 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Honson Nguyen

I oppose restrictions on ammo capacity magazines of any kind because in acts of self defense extra ammunition means the difference of life or death. To make it harder on a law abiding citizen to defend themselves would be unconstitutional and unmoral. It would be give the advantage to a criminal whom would have higher capacity ammo either way as they would probably break the law to obtain a deadlier weapon to begin with. It would also increase the black market on firearms causing more crime. It would also turn law abiding citizens currently into criminals.

I oppose HB1902 JDC completely.

If you have any questions I can be reached at honson@hawaii.edu

The above testimony was written and submitted by Honson Nguyen

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From: [Ninja Forms TxnMail](#) on behalf of [Jacob Lunz](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 9:56:02 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Jacob Lunz

This is a complete violation of the second amendment. Magazine bans do nothing to stop crime and only penalize law abiding citizens. Red flag laws are unconstitutional. Due process must be done first before any property is taken. We are innocent until proven guilty. I do not support any of these infringements on the second amendment.

If you have any questions I can be reached at jacoblunz@gmail.com

The above testimony was written and submitted by Jacob Lunz

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From: [Ninja Forms TxnMail](#) on behalf of [Gary Tani](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 10:03:06 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Gary Tani

Aloha,

I understand the reasoning that this new gun control legislation was proposed, but it will do nothing to effect the root cause of gun violence. Limiting the magazine capacity for weapons will not reduce gun violence or deaths, but it will have the effect of creating more criminals of people who normally are law abiding citizens since there are a number of law abiding citizens who have magazines, which are currently legal.

If your intent is to reduce gun violence, please propose legislation that will really have an effect on it and not attempt to pass legislation in an attempt to act as if you really care about the problem. Avoiding the true causes of gun violence only allows more violence to occur. Please take a stand for common sense and take action to reduce violence with legislation that actually will have an effect on gun violence.

Mahalo,
Gary Tani

If you have any questions I can be reached at gt299fso@gmail.com

The above testinony was written and submitted by Gary Tani

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From: [Ninja Forms TxnMail](#) on behalf of [Eric Hammond](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 10:14:04 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Eric Hammond

Aloha,

STRONGLY OPPOSE!

I am very disappointed that once again the Hawaii Legislature is trying to limit my rights
guaranteed and protected by our US Constitution.

Not only that, but do you see the chaos going on in the mainland? Police are pulling back and
citizens are left to their own devices to protect themselves and their families/property. On the
news you can see many citizens protecting their property with their firearms. By limiting our
magazine capacity for use in our rifles, we will be limited in our ability to defend and protect.
Yes, Hawaii is relatively Peaceful, thanks to our culture of aloha (and not strict gun laws!).

But if our supply line gets disrupted or some other issue causes a breakdown of government
services like police, it can and will happen here.

In addition, the bill also has these issues:

**DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED
MAGAZINES**

9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.

Violates the Second Amendment.

reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

fixes a problem that does not exist.

Allows law enforcement to check closed Family Court Records for firearms purchases

Thank you for your support

If you have any questions I can be reached at erikdagoldfish@yahoo.com

The above testimony was written and submitted by Eric Hammond

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From: [Ninja Forms TxnMail](#) on behalf of [Michael Elliott](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 10:19:39 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Michael Elliott

I STRONGLY OPPOSE THIS BILL!!

There are numerous case of robberies and home invasions by multiple persons where a 30
round magazine mean the difference between life and death.

This bill is a direct infringement Upon the 2nd Amendment. This state seems to have a hard
time with reading comprehension. "SHALL NOT BE INFRINGED" is pretty damn clear.

This bill will not stop any crime. Criminals will never walk out of the house and say, " Damn,
I can only carry a ten round magazine for this robbery."

Attack crime at its roots. Stop trying to pass ridiculous bills like this.

I WILL NOT COMPLY.

<https://www.gunsandammo.com/editorial/self-defense-ar15/372251>

<https://www.thetruthaboutguns.com/defensive-ar-15-uses/>

If you have any questions I can be reached at mike_elliotthi@icloud.com

The above testinony was written and submitted by Michael Elliott

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From: [Ninja Forms TxnMail](#) on behalf of [Francis Corpuz](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Monday, June 22, 2020 10:49:53 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Francis Corpuz

I OPPOSE this bill.

There are millions of large capacity magazines currently in the state.

Violates the takings clause of the Fifth Amendment.

Allows checks of sealed Family Court records.

Duncan vs Becerra lawsuit currently at the Ninth Circuit Court of Appeals will likely overturn
this bill.

If you have any questions I can be reached at blastoff747@gmail.com

The above testimony was written and submitted by Francis Corpuz

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From: [Ninja Forms TxnMail](#) on behalf of [Brianna Kleinhans](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 1:10:10 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Brianna Kleinhans

I do not approve of the passing of this bill, HB1902, greatly because it will criminalize those whom are already lawfully within possession of these items, but also because it GREATLY obstructs and imposes our second amendment! Why would you intentionally create criminals out of good, law abiding citizens? Where this bill only sees large capacity magazines (which can be classified as anything over 10 rounds, which is ridiculous) as lethal weapons, the greater good, the honest firearm-owning craftsmen such as myself, see these magazines as a greater sense of security, comfort and self-defense. Owning these magazines is not a crime. Mental health and firearm education are more important than criminalizing law abiding citizens. I was raised to respect and properly handle firearms, which is why more education should be available to the public because people are greatly scared of the things that they do not know or understand. Proper gun handling requires cleaning, maintenance, mechanical adjustments, dismantling and reassembling. An honest firearms owner understands all of these things and will not abuse their rights. It does not take a gun to make somebody a criminal. It takes oppression, loss, misunderstanding and short-comings. Do not impede on our rights by creating a system that encourages criminal activity and oppression. Instead, create a people of strength, knowledge, and unity. Focus your energies on healing those that are not well, rather than removing the rights of those that understand their rights. I implore you all to create comfort within our communities by healing the mentally ill, binding us together as a society, strengthening our economy with entrepreneurship and education, and speaking to the people directly about what our state needs. Do not remove us from our rights. We the people, the militia, and the greater population have the right to arm ourselves with firearms, and subsequently their attachments.

If you have any questions I can be reached at b.de_guzman@yahoo.com

The above testimony was written and submitted by Brianna Kleinhans

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From: [Ninja Forms TxnMail](#) on behalf of [Jonathan Montenero](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 3:00:21 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Jonathan Montenero

This feel-good measure only makes criminals out of peaceful gun-owners.

The legislature should spend its efforts doing something about CRIMINALS and not the tools
that they subvert to illegal use.

We don't restrict or regulate cars because bank robbers use them for get-aways!

Especially in these troubled times when government is unable and/or unwilling to respect the
social contract of providing for the common security, attempting to further restrict my right to
self defense is unconstitutional and immoral.

Stop chasing peaceful gun-owners just to earn sound bytes for re-election and actually DO
something about the issues!

Respectfully,

Jon Montenero

If you have any questions I can be reached at mountainblack1873@gmail.com

The above testinony was written and submitted by Jonathan Montenero

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From: [Ninja Forms TxnMail](#) on behalf of [Seth Addison](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 3:05:58 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Seth Addison

I strongly oppose HB1902 and ask that you also oppose this bill. This bill will turn thousands of otherwise lawful citizens into criminals overnight with its passing. The stats cited in support of banning standard capacity magazines is the same argument that you are more likely to drown with a swimming pool in your back yard.

This bill is essentially a violation of our 2nd, 5th, and 14th ammendment rights and I ask you once again to please vote no on HB1902.

Thank you

If you have any questions I can be reached at sethaddison@hotmail.com

The above testinomy was written and submitted by Seth Addison

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From: [Ninja Forms TxnMail](#) on behalf of [Raymond White](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 6:31:51 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Raymond White

The reasons I oppose HB1902 because it attempts to fix a problem that does not exist. Law abiding gun owners are being criminalized and it takes lawfully owned property from law-abiding gun owners (citizens). I am a law abiding citizen with 2 speeding ticket in my lifetime and I own "large capacity magazines" . This bill will make me a criminal. Regulation of our constitutional right is not the answer.

If you have any questions I can be reached at raymond.white808@gmail.com

The above testimony was written and submitted by Raymond White

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From: [Ninja Forms TxnMail](#) on behalf of [Lou Collazo](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 7:01:16 AM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Lou Collazo

I OPPOSE the following proposed bills:

HB 1902, HB 2744, HB 2292, SB 2635, and SB 3054

As our country and state fight to get back to some kind of new normal, our legislators feel that their priority during this chaos is to focus on anti-gun bills.

Ladies and gentlemen, I can see no reason for these proposed bills other than our legislative body trying to show us that they are in charge. I perceive it as a school yard bully.

It seems to me that you are not focusing on the issues of our residents, but only on your personal desires to control us, using your own ignorance about firearms.

I would like to see you focus on the current issues that concern us right now. We have families that are unemployed and don't know how they will feed their families. You have teachers that are under paid concerned on how they will teach our children this upcoming school year. Our local economy is at a standstill because of tourism is shut down. The list goes on and on.

My suggestion is, focus on what is needed right now to open Hawaii back up and get our economy restarted.

Once Hawaii is stable, residents are working, schools are open with students in classes, reach out to us. Listen to our concerns and our solutions to the perceived gun problems.

Communicate with us!

Always, Do the right thing, because it is the right thing to do! Earn our vote!

Again, I OPPOSE the following proposed bills: HB 1902, HB 2744, HB 2292, SB 2635, and SB 3054

If you have any questions I can be reached at MustangCWO@gmail.com

The above testimony was written and submitted by Lou Collazo

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From: [Ninja Forms TxnMail](#) on behalf of [Jennifer Noel](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 7:05:41 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Jennifer Noel

First of all the legislature is supposed to be focusing on opening up the economy and not on restricting our 2nd Amendment! Hawaii has the strictest gun laws in the nation and after witnessing our government strong arm regarding the Covid-19 situation it is more imperative than ever before that our 2nd Amendment remains strong. There should be no vote on these three gun bills!! The government is supposed to work for the people but lately the draconian measures being dictated by our government leaders is the opposite of what our leaders were voted in to do. Need to start abiding by our constitution because Hawaii is waking up!!

If you have any questions I can be reached at hnl2bali@yahoo.com

The above testimony was written and submitted by Jennifer Noel

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From: [Ninja Forms TxnMail](#) on behalf of [Norberto Dumo](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 7:17:37 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Norberto Dumo

-Bill does not solve any problems, not data to support why this bill is needed in Hawaii.

-Bill Violates my 2nd Amendment rights

-Bill will target law abiding citizens

If you have any questions I can be reached at ndumo@aol.com

The above testimony was written and submitted by Norberto Dumo

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From: [Ninja Forms TxnMail](#) on behalf of [Ivan Velazquez](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 7:27:01 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Ivan Velazquez

This bill will only affect law abiding citizens and not criminals. It has been proven time and time again that criminals do not follow the law. Not only does this bill violate our 2nd amendment but it will also put us at a huge disadvantage if we ever have to defend our home. Chances are that criminal will not have a 10 round magazine.

If you have any questions I can be reached at ivan.velazquez0848@gmail.com

The above testimony was written and submitted by Ivan Velazquez

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From: [Ninja Forms TxnMail](#) on behalf of [Megan Pearl](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 7:44:42 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Megan Pearl

I strongly oppose this bill as this session is supposed to be focused on emergency actions regarding covid19, not sneaking through legislation regarding 2nd amendment rights and prohibiting in person testimony. This is a violation of 2nd amendment rights.

If you have any questions I can be reached at mauimeg15@gmail.com

The above testimony was written and submitted by Megan Pearl

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From: [Ninja Forms TxnMail](#) on behalf of [Kenneth Takeuchi](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 7:57:25 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Kenneth Takeuchi

I oppose HB1902 because it will violate, at minimum, the Second Amendment right to keep and bear arms and the Fifth Amendment right to just compensation. Additionally, it will instantly criminalize otherwise law abiding gun owners. During this trying time, the state legislature should be focusing on getting the state and its economy back in proper working order instead of infringing upon its citizens. If one things has become clear due to the novel coronavirus, it is that the citizens do not feel as if the government can protect them during times of emergency. All you have to do is look at the number of firearms being purchased right now and how many of those firearms are being purchased by first time owners. I can only hope that these new owners embrace their second amendment rights and vote politicians out of office that wish to infringe upon them.

If you have any questions I can be reached at kktakeuc@yahoo.com

The above testinony was written and submitted by Kenneth Takeuchi

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From: [Ninja Forms TxnMail](#) on behalf of [Nathan Lacno](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 8:03:03 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Nathan Lacno

-Violates my 2nd amendment rights.

-This will ONLY affect Law-Abiding gun owners.

-This take property that was legally obtained away from law abiding people

If you have any questions I can be reached at nnn8er@gmail.com

The above testinony was written and submitted by Nathan Lacno

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From: [Ninja Forms TxnMail](#) on behalf of [Cory Yuh](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 8:15:22 AM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Cory Yuh

I strongly OPPOSE this bill. This DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED MAGAZINES. The 9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months. Violates the Second Ammendment. It reduces the efficiency of the militia. Takes lawfully owned property from law-abiding gun owners. Criminalizes law-abiding gun owners. Some firearms don't have low capacity magazines options. Some magazines can not be modified. It fixes a problem that does not exist. Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at cyuh2@hotmail.com

The above testinony was written and submitted by Cory Yuh

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From: [Ninja Forms TxnMail](#) on behalf of [Chris Tasaka](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 8:26:50 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Chris Tasaka

I oppose bill HB1902. Specifically the verbiage in regards to high capacity magazine usage in
pistols and long guns.

If you have any questions I can be reached at chris.tasaka@yahoo.com

The above testinony was written and submitted by Chris Tasaka

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From: [Ninja Forms TxnMail](#) on behalf of [Bryston Tanigawa](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 8:33:38 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Bryston Tanigawa

I strongly oppose these unconstitutional bills. What I choose to defend my family with is none of the states concern. I am a law abiding citizen and you would instantly turn me into a criminal for possessing the tools necessary to defend my family. 30 round magazines are STANDARD capacity and are necessary to protect myself and my loved ones.

If you have any questions I can be reached at brystont1@hotmail.com

The above testinony was written and submitted by Bryston Tanigawa

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From: [Ninja Forms TxnMail](#) on behalf of [William Smith](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 9:01:01 AM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is William Smith

Sadly, this is yet another partisan attempt to squeeze the rights of the citizens to own firearms. No doubt that most of you who propose and vote for these laws have never shot, do not understand weapons systems, severed your country, or ever lived in high crime areas. In fact, the recent lawlessness in parts of the mainland are testimony enough as to why, if anything, the state should be relaxing some of its prohibitions on weapons, such as magazine capacity for pistols. Citizens need to be able to be able to protect themselves. Many of us live on the islands where there is little police protection. I live on the windward side of Oahu and as I am sure you know, we have few police officers to maintain the island from Waimanalo to Kahuku. Responding in 5-10 minutes is rarely possible. Others in the state have it as bad or worse. Furthermore, and speaking on behalf of all my veteran peers, we fully agree with all the points raised by HIFICO concerning this legislation.

Why the restriction on ammunition capacity? Is there a logical reason for changes or just more legislation by feeling? How about we hold DAs, judges, and parole boards accountable and make them enforce the existing laws and not be so lenient for those that commit violent crime? How about funding the HPD to a point where the windward side has the nationally recommended number of LEOs per population size? These are much simpler and more rational approaches to deal with the legislatures perceived gun issues. What is more, and backing up our position on gun crime, the overall stats for the state of Hawaii are very low, e.g. we don't have a problem.

Hawaii statistics as compiled by FBI through local HI reporting for 2019: 1,298 violent crimes; 11 murders (11!); 182 rapes; 462 Robberies; 643 Aggravated Assault; 14,239 Property Crimes; 2,108 Burglary; 10,352 Larceny-theft, 1,779 Motor vehicle theft; and 122 cases of arson.

Compare Hawaii's stats to that Las Vegas Metropolitan PD for the same time period. (pop 1.64M). 4,397 violent crimes; 40 murders; 713 rapes; 1,094 Robberies; 2,550 Aggravated Assault; 22,667 Property Crimes; 5,289 Burglary; 13,746 Larceny-theft; 3,642 Motor vehicle theft, and 64 cases of arson.

So a city approx. the same size as our state has more issues overall but doesn't move to enact stifling regulation. So, what is the reason for the new regulations for this bill, HB 2744, and HB 2292 as well as SB 2635, and SB 3054. Seems like the legislature should be focusing on fixing issues related to COVID and unemployment as opposed to using this time to push through partisan politics.

If you have any questions I can be reached at ws.atlas.shrugged@gmail.com
The above testimony was written and submitted by William Smith
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From: [Ninja Forms TxnMail](#) on behalf of [Jeremy Van](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 9:25:20 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Jeremy Van

I STRONGLY OPPOSE this bill which will make law abiding citizens criminals because they are no longer allowed to possess standard capacity magazines, which give them the best chance for survival if in a life or death situation. The events of the past few months have shown without a doubt the reason for standard capacity magazines as civil unrest with large crowds of rioters and looters threaten citizens very lives. With talks of defunding police and reducing police presence it is more important than ever that law abiding citizens be allowed to possess the tools that give them the best chance to protect themselves against civil unrest. Police have roughly a 15-30% hit probability during hostile encounters. This means out of 10 rounds fired by police, only 1-3 rounds hit, and of those 1-3 the likelihood of stopping the threat immediately is slim. Why wouldn't we want law abiding citizens to have the same chance for survival as police if confronted with a life or death situation? This magazine restriction is unenforceable and ridiculous. Magazines are just boxes of steel or plastic with a spring and follower. There would be no way to track or enforce this law, and criminals by definition wouldn't follow the law anyway. Politicians try to pass these "Feel good" do nothing laws that only hurt the law abiding and skew the odds of survival in favor of the criminal. Furthermore this magazine ban is unconstitutional, Judge Roger Benitez from California declared magazine bans unconstitutional in his 2019 ruling. He ruled that magazines holding more than 10 rounds are "arms" under the U.S. Constitution, and that the... ..law "burdens the core of the Second Amendment by criminalizing the acquisition and possession of these magazines that are commonly held by law-abiding citizens for defense of self, home, and state."

If you have any questions I can be reached at jvanrp@hotmail.com

The above testimony was written and submitted by Jeremy Van

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From: [Ninja Forms TxnMail](#) on behalf of [Alexandra Van](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 9:25:46 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Alexandra Van

I STRONGLY OPPOSE this bill which will make law abiding citizens criminals because they are no longer allowed to possess standard capacity magazines, which give them the best chance for survival if in a life or death situation. The events of the past few months have shown without a doubt the reason for standard capacity magazines as civil unrest with large crowds of rioters and looters threaten citizens very lives. With talks of defunding police and reducing police presence it is more important than ever that law abiding citizens be allowed to possess the tools that give them the best chance to protect themselves against civil unrest. Police have roughly a 15-30% hit probability during hostile encounters. This means out of 10 rounds fired by police, only 1-3 rounds hit, and of those 1-3 the likelihood of stopping the threat immediately is slim. Why wouldn't we want law abiding citizens to have the same chance for survival as police if confronted with a life or death situation? This magazine restriction is unenforceable and ridiculous. Magazines are just boxes of steel or plastic with a spring and follower. There would be no way to track or enforce this law, and criminals by definition wouldn't follow the law anyway. Politicians try to pass these "Feel good" do nothing laws that only hurt the law abiding and skew the odds of survival in favor of the criminal. Furthermore this magazine ban is unconstitutional, Judge Roger Benitez from California declared magazine bans unconstitutional in his 2019 ruling. He ruled that magazines holding more than 10 rounds are "arms" under the U.S. Constitution, and that the... ..law "burdens the core of the Second Amendment by criminalizing the acquisition and possession of these magazines that are commonly held by law-abiding citizens for defense of self, home, and state."

If you have any questions I can be reached at alex@tradewindspets.com

The above testimony was written and submitted by Alexandra Van

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From: [Ninja Forms TxnMail](#) on behalf of [Nicholas Moniz-Teves](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 9:42:11 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Nicholas Moniz-Teves

I oppose strongly and will NOT comply with any lawS that violates my God given Rights!

9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.

Violates the Second Ammendment.

reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

fixes a problem that does not exist.

Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at tevesnick@yahoo.com

The above testinony was written and submitted by Nicholas Moniz-Teves

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From: [Ninja Forms TxnMail](#) on behalf of [Sandra Van](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 9:48:09 AM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Sandra Van

I STRONGLY OPPOSE this bill which will make law abiding citizens criminals because they are no longer allowed to possess standard capacity magazines, which give them the best chance for survival if in a life or death situation. Police have roughly a 15-30% hit probability during hostile encounters. This means out of 10 rounds fired by police, only 1-3 rounds hit, and of those 1-3 the likelihood of stopping the threat immediately is slim. Why wouldn't we want law abiding citizens to have the same chance for survival as police if confronted with a life or death situation? This magazine restriction is unenforceable and ridiculous. Magazines are just boxes of steel or plastic with a spring and follower.

There would be no way to track or enforce this law, and criminals by definition wouldn't follow the law anyway. Politicians try to pass these "Feel good" do nothing laws that only hurt the law abiding and skew the odds of survival in favor of the criminal. Furthermore this magazine ban is unconstitutional, Judge Roger Benitez from California declared magazine bans unconstitutional in his 2019 ruling. He ruled that magazines holding more than 10 rounds are "arms" under the U.S. Constitution, and that the... ..law "burdens the core of the Second Amendment by criminalizing the acquisition and possession of these magazines that are commonly held by law-abiding citizens for defense of self, home, and state."

If you have any questions I can be reached at sandy@prpacific.com

The above testimony was written and submitted by Sandra Van

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From: [Ninja Forms TxnMail](#) on behalf of [Kevin Tamayose](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 10:11:59 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Kevin Tamayose

As a voter, I strongly ask you to oppose this bill because:

1. No Grandfathering clause which strips lawfully owned property from law-abiding gun owners.
2. Lower capacity magazines are not available for some firearms.
3. Due to design, some magazines cannot be modified to comply.
4. The bill allows law enforcement to see closed Family Court Records.

If you have any questions I can be reached at kkt1433@hawaii.rr.com

The above testimony was written and submitted by Kevin Tamayose

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From: [Ninja Forms TxnMail](#) on behalf of [Aloni Cuevas](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 10:20:59 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Aloni Cuevas

I strongly oppose of this bill. This bill is unconstitutional and doesn't fix any issues that we have in Hawaii. I don't think its ok to take lawfully obtained property from law-abiding citizens.

If you have any questions I can be reached at alonidcuevas@yahoo.com

The above testinony was written and submitted by Aloni Cuevas

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From: [Ninja Forms TxnMail](#) on behalf of [Ruben Quiroga](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 10:29:25 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Ruben Quiroga

I am against this bill. This bill would violate the second and just criminalize law-abiding gun owners.

If you have any questions I can be reached at Rqu2012@yahoo.com

The above testimony was written and submitted by Ruben Quiroga

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From: [Ninja Forms TxnMail](#) on behalf of [Kevin Ross](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 10:34:51 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Kevin Ross

I stand in opposition of this bill. This bill doesn't address any actual issue. This bill is an unconstitutional bill aim to disarm law-abiding citizens from there property.

If you have any questions I can be reached at kross@hawaii.rr.com

The above testinony was written and submitted by Kevin Ross

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From: [Ninja Forms TxnMail](#) on behalf of [Robert Hechtman](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 10:37:44 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Robert Hechtman

I strongly oppose bill HB1902 JDC!!!

DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED
MAGAZINES.

9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.

Violates the Second Amendment.

Reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

Fixes a problem that does not exist.

Allows law enforcement to check closed Family Court Records for firearms purchases.

Thank you,
Robert Hechtman

If you have any questions I can be reached at hechtman@gmail.com

The above testimony was written and submitted by Robert Hechtman

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From: [Ninja Forms TxnMail](#) on behalf of [Michael Higa](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 10:38:11 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Michael Higa

I strongly oppose this bill. Senior United States District Judge of the United States District Court Roger Benitez ruled that a high capacity magazine ban is UNCONSTITUTIONAL. I find it very appalling a legislative body would introduce a bill the judicial branch of the government has already ruled as unconstitutional.

If you have any questions I can be reached at michaelhiga3@gmail.com

The above testimony was written and submitted by Michael Higa

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From: [Ninja Forms TxnMail](#) on behalf of [Jonathan Garcia](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 10:40:51 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Jonathan Garcia

I oppose of this bill due to it being unconstitutional.

If you have any questions I can be reached at G.jonathan76@yahoo.com

The above testinony was written and submitted by Jonathan Garcia

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From: [Ninja Forms TxnMail](#) on behalf of [Tom Nederend](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 10:46:32 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Tom Nederend

I oppose of this bill. It violates the second amendment and doesn't fix any actual problem.

If you have any questions I can be reached at 1tommed@gmail.com

The above testinony was written and submitted by Tom Nederend

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From: [Ninja Forms TxnMail](#) on behalf of [Jason Reiger](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 10:52:12 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Jason Reiger

I strongly oppose of this bill. It violates the citizens rights and creates criminals out of law-abiding citizens.

If you have any questions I can be reached at jreiger@cuttercars.com

The above testimony was written and submitted by Jason Reiger

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From: [Ninja Forms TxnMail](#) on behalf of [Sebastian Simon-ganti](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 11:00:59 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Sebastian Simon-ganti

I stand in opposition of this bill. It goes against the second amendment.

If you have any questions I can be reached at ssimonganti@gmail.com

The above testinony was written and submitted by Sebastian Simon-ganti

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From: [Ninja Forms TxnMail](#) on behalf of [Jason Hirose](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 11:04:35 AM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Jason Hirose

I am writing to express my strong opposition to HB 1902's ban on magazine capacity. This proposed law unnecessarily makes firearm owners less safe. If the proposed measure were to not burden an individual's safety then there would be no need to create a carve out for law enforcement officers. If the writers of this bill use the "you have enough with 10 rounds" then they should be intellectually consistent in their thinking when applying the rules to HPD. That being said, if HPD / Honolulu Sheriff's department are to say "You make our officers less safe by restricting their firearm capacity" then it should apply the same to our resident firearm owners. If a police officer can feel less safe with a lower magazine capacity, your constituents obviously feel the same way.

Alternatively, I fully support this ban IF it is applied exactly the same to both private citizens and ALL law enforcement personnel. If we apply it to all firearm operators then I would remove my objection. If NOT then I absolutely do not support this bill with its special carve outs.

If you have any questions I can be reached at jasonhirose@hotmail.com

The above testimony was written and submitted by Jason Hirose

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From: [Ninja Forms TxnMail](#) on behalf of [Isaiah Daquioag](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 11:05:00 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Isaiah Daquioag

I oppose of this bill.

If you have any questions I can be reached at isaiahdaquioag@gmail.com

The above testimony was written and submitted by Isaiah Daquioag

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From: [Ninja Forms TxnMail](#) on behalf of [Bridgett Okezie](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 11:06:55 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Bridgett Okezie

The laws set in place in this case are already working and do not need ti be changed.

If you have any questions I can be reached at bridgettokezie@gmail.com

The above testinony was written and submitted by Bridgett Okezie

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From: [Ninja Forms TxnMail](#) on behalf of [Julianna Parks](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 11:09:21 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Julianna Parks

I strongly oppose of this bill.

If you have any questions I can be reached at jewelzsupra@msn.com

The above testinony was written and submitted by Julianna Parks

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From: [Ninja Forms TxnMail](#) on behalf of [Cruz Call](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 11:12:23 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Cruz Call

I strongly oppose of this bill.

If you have any questions I can be reached at cruzcall@yahoo.com

The above testimony was written and submitted by Cruz Call

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From: [Ninja Forms TxnMail](#) on behalf of [Leigh Yanagisako](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 11:16:17 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Leigh Yanagisako

I am strongly opposed to HB1902 as it criminalizes an object which is legal to buy/own in the vast majority of American states. This law is only agenda driven by outside money and not safety.

If you have any questions I can be reached at valleyhome@hawaii.rr.com

The above testimony was written and submitted by Leigh Yanagisako

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From: [Ninja Forms TxnMail](#) on behalf of [Aaron Call](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 11:17:00 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Aaron Call

I oppose of this bill.

If you have any questions I can be reached at aaronandrewcall@yahoo.com

The above testimony was written and submitted by Aaron Call

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From: [Ninja Forms TxnMail](#) on behalf of [Erwin Paulino](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 11:27:48 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Erwin Paulino

I strongly oppose HB1902 JDC. First, this emergency session should be focused on COVID19 not unconstitutional gun control . This is a violation of our second amendment. Moreover, this law only penalizes law-abiding gun owners and their personal property. It is clear that criminals do not follow these laws anyway. You are criminalizing legal law-abiding gun owners. Once again, I strongly oppose this bill.

Mahalo,

If you have any questions I can be reached at erwin_p@hotmail.com

The above testimony was written and submitted by Erwin Paulino

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From: [Ninja Forms TxnMail](#) on behalf of [Mark Woodward](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 11:27:54 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Mark Woodward

I strongly oppose HSB1902JDC2519.

When I purchased my rifles over 7 years ago, 20 round magazines were standard and the least expensive for my rifles. These rifles function optimally using the 20 round magazines (standard capacity). It will be difficult, if not impossible, to modify the plastic magazines (the least expensive) in the future. Over the years I have purchased many these magazines. The current bill will force me to dispose of property that I purchased legally. I will have to buy new magazines. I am not sure if 10 round magazines are available for my rifles and whether they will function properly with the smaller magazines. This bill will not eliminate the availability of 20 and 30 round magazines in Hawaii. Twenty and 30 round magazines are standard issue throughout the military. Those who wish to, will be able to obtain these standard capacity magazines through contact with active duty or reserve military personnel. Once again, this gun control measure will only affect law abiding citizens of Hawaii, such as myself, under the threat of criminal prosecution. This bill is a further encroachment upon my constitutional rights under the 2nd Amendment.

If you have any questions I can be reached at markwoodwardmd@yahoo.com

The above testimony was written and submitted by Mark Woodward

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From: [Ninja Forms TxnMail](#) on behalf of [Edgar Paulino](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 11:49:06 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Edgar Paulino

I oppose this bill because this will not change anything with crimes happening on the streets.
Criminals will not follow the law anyways. By limiting law abiding citizens with these gun
laws will make this state worse and make Criminals run crazy.

If you have any questions I can be reached at dbb50trim@gmail.com

The above testimony was written and submitted by Edgar Paulino

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From: [Ninja Forms TxnMail](#) on behalf of [Chris Yates](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 12:28:07 PM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Chris Yates

Honorable Senate and Committee members:

I strongly OPPOSE the proposed HB1902 bill. This bill serves nothing but to criminalize law abiding citizens with the stroke of a pen. This is yet another example of the to feed the anecdotes of the bubbling HI government. This committee is more concerned with forwarding ideologically based legislation than tackling real "kitchen table" topics that have a direct impact on the reeling Hawaii economy. COVID-19 and \$2.3 BILLION shortfall, and economic problems should be ON THE FOREFRONT, not parroting Bloomberg(who clearly isn't supported by the Liberal base) ideology.

There is ZERO data that links to banning/limiting magazine capacity to any increase in public safety. Legal firearms purchases are 300% greater than the same time last year (2019). This places you in DIRECT opposition to your constituents who clearly value their civil rights, and clearly lack faith in state sponsored rights obstructionism.

As a life long LIBERAL, I implore you to fix Hawaii's real problems, DO NOT SUPPORT HB1902.

Chris Yates

Home vs. Department of Agriculture

If you have any questions I can be reached at buick231@hotmail.com

The above testimony was written and submitted by Chris Yates

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From: [Ninja Forms TxnMail](#) on behalf of [James Fitch](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 12:34:40 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is James Fitch

This bill is problematic for several reasons. First, there is no evidence that this limitation will do anything to promote public safety. Second, it criminalizes law-abiding gun owners.

Criminals by definition do not obey laws. Third, the pending case in the 9th circuit (Duncan v Becerra) will likely render it unconstitutional imposing significant costs on the taxpayers of Hawaii from the inevitable legal challenges.

If you have any questions I can be reached at jfitch1@gmail.com

The above testimony was written and submitted by James Fitch

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From: [Ninja Forms TxnMail](#) on behalf of [Troy Simeona Jr](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 1:09:16 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Troy Simeona Jr

First and for most this is working what you are trying to do . It's like you are going behind our
backs to pass a bill that no one wants. My name is Troy I just recently became a legal gun
owner and a long time supporter of the 2nd amendment. So please stop this secret voting.

If you have any questions I can be reached at troijjr@yahoo.com

The above testinony was written and submitted by Troy Simeona Jr

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From: [Ninja Forms TxnMail](#) on behalf of [Marc Kawakami](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 1:52:37 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Marc Kawakami

How do you lump two different issues into a single Bill? Our elected officials should recognize that something is not right.

Regarding the large capacity magazine, this Bill takes lawfully owned property from law-abiding gun owners and criminalizes law-abiding gun owners. Why criminalize the law-abiding and let the criminals out on the street?

Regarding the mental health issue, this Bill is disregarding HIPAA rules and sealed juvenile records. Who will be the authority to "medically documented to be no longer either adversely affected by the behavioral, emotional, or mental disorder or deemed a danger to themselves or others".

If you have any questions I can be reached at mkawakami@tpi-tec.com

The above testimony was written and submitted by Marc Kawakami

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From: [Ninja Forms TxnMail](#) on behalf of [Jacob Holcomb](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 2:03:03 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Jacob Holcomb

We just witnessed weeks of people being pillaged, assaulted, set on fire, and even murdered by large mobs all across the country. The original sponsors of this bill might have gotten away in the past with claiming ignorance, but now the evidence is undeniable and the reintroduction of this bill is the height of cynicism.

In light of recent circumstances, what this bill is saying is that privileged people who have police protection or can afford private security are entitled to adequate self defense while the rest of us have to figure out how to get by with dysfunctional equipment.

"Let them eat cake" is never a good look for those in political office.

If you have any questions I can be reached at jake@mailbox.org
The above testimony was written and submitted by Jacob Holcomb
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From: [Ninja Forms TxnMail](#) on behalf of [Jaelynn Call](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 2:05:33 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Jaelynn Call

I OPPOSE HB1902

If you have any questions I can be reached at jaekdcall@yahoo.com

The above testimony was written and submitted by Jaelynn Call

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From: [Ninja Forms TxnMail](#) on behalf of [Eric Ako](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 2:17:21 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Eric Ako

Experienced shooters know that magazine bans are no deterrent to killing and not at all enforceable

If you have any questions I can be reached at AKOE002@hawaii.rr.com

The above testinony was written and submitted by Eric Ako

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From: [Ninja Forms TxnMail](#) on behalf of [Hank Graham](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 3:05:44 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Hank Graham

This bill contains unneeded highly subjective sections that are unrelated with one-another. It has vague criteria, violates juvenile protections and medical confidentiality.

1. "Large" capacity magazine is undefined and depends upon exactly what type of long gun it relates to. Shotguns, deer rifles, target rifles, etc. vary in calibers and thus magazine size.
2. No real benefit. If magazine capacity is cut in half, two magazines contain the same amount of shells and changing a magazine only takes seconds.
3. Reduced magazines are not just an inconvenience to target shooters, but actually require more manipulation for re-loading which increases the safety risk to others. The longer one can shooting down range without interruption, the safer the process.
4. Personal safety is reduced with less return firepower against an armed intruder, especially against a group of armed "bad guys".
5. Public safety would not be improved. Carrying a loaded long gun with bad intent in a public setting is already illegal and wouldn't be reduced.
6. Someone who is "affected by the behavioral, emotional, or mental disorder or deemed a danger to themselves" should already be institutionalized and/or wards of the state, then this section makes good sense. However, the bill is vaguely defined as it relates to the general public. Who decides and how? What age of minor? Two years old or 17? Again this makes someone penalized for life for any emotional event or trauma they may have gone through and may never have completely recovered from as most people don't.
7. Juvenile protections would be lost by essentially make lifelong criminals of anyone who committed a crime without redemption. Thus, encouraging more criminality.
8. "Certain number of crimes of violence" is vague, totally subjective, and open for abuse and again penalizes an individual for life.
9. Releasing this health and past history information to law enforcement would serve what purpose? Observation? Tracking? This could very easily be abused and again penalizes an individual for life.

If you have any questions I can be reached at hgraham04@yahoo.com

The above testimony was written and submitted by Hank Graham

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From: [Ninja Forms TxnMail](#) on behalf of [Loretta Graham](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 3:47:48 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Loretta Graham

Being a woman, I find a higher capacity magazine a lot easier to have and use. I'm not a great shot and having that extra ammunition is a comfort for self defense. It's also a lot better and safer on the rifle range. Stopping to constantly reload takes a lot of time when I could be improving my proficiency.

If you have any questions I can be reached at hanknloretta@yahoo.com

The above testimony was written and submitted by Loretta Graham

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From: [Ninja Forms TxnMail](#) on behalf of [Christopher Caldwell](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 4:05:00 PM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Christopher Caldwell

From: Christopher Caldwell

Submitted: July 2020

Testimony in opposition of HB1902.

Aloha, I am Christopher Caldwell, life-long resident of the state of Hawaii and registered voter. I am here to write you in strong opposition of SB1902. You have previously gone on record in saying you wish to close the loopholes in our firearms laws, but magazine capacity is NOT a loophole.

You've said this bill, and others, were in response to the horrific incident that transpired near Diamondhead, an incident in which the perpetrator should have been brought to the help he most obviously needed well before those events transpired. Do we the people yet know the type of firearm the afore mentioned individual used? Would this bill have prevented those tragic events?

Furthermore, why is it that law enforcement be made exempt? Why does a LEO need access to these tools, for self-defense correct? Is their right to self-defense and security any greater than my own? Why is YOUR right to self-defense, having said LEO protection at your place of work, any greater than my own? Why are you trying to rob me, and thousands of others, of our hard earned, lawfully purchased property, still with no apparent grandfathering, essentially criminalizing us?

Have there been any legitimate studies done on the effectiveness of capacity limits or magazine bans? Has the magazine capacity limit for pistols lowered "gun crime" in the state of Hawaii? These things need to be studied, experts consulted, and outreach to the people made if transparency and rational legislation is the goal. Which should be the case for ALL legislation, agreed?

This is not the fixing any loophole; I fear this is some people, or someone, looking for an opportunity to further an agenda, not a solution to any problem. Is this session not supposed to be about the COVID-19 response and the reinstatement of Hawaii's decimated economy? With that said, one must also mention how this indeed seems like a very disingenuous and underhanded way to attempt the passing of this bill, and those related, as you have effectively found a way to silence opposition and keep those who would from testifying in person.

So, I find myself here yet again pleading with those with the power to affect law, do not further erode the people of Hawaii's constitutional rights, or strip anymore from me the best available means to protect me and mine, where and when you and yours cannot. I strongly

oppose SB1902.

If you have any questions I can be reached at ffking808@yahoo.com
The above testimony was written and submitted by Christopher Caldwell
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From: [Ninja Forms TxnMail](#) on behalf of [Daniel Yoro](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 4:40:07 PM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Daniel Yoro

Dear Mr. / Mrs. Official,

I am writing you asking that you oppose any and new gun restriction proposals. Support, stand and protect the 2nd amendment rights of the people, not infringe and restrict. Rights that weren't given by you and should not be restricted by you. Hawai'i has and already is one of the most strictest states in the nation regarding gun laws and ownership. Passing any more will not make any change, but turn many law abiding citizens into criminals. You'll have thousands overnight. Laws will not stop the acts of a madman. Assault is an action, it could be done with bats, sticks, knives, hammers, vehicles and even empty handed, I don't see you go after those. Inanimate objects are harmless without the intentions behind it. On the flip side they can be used for good. Tools to build, fix and repair, sport, family time and protection. Please oppose ANY gun control measures, they will not stop shootings, they will only harm law abiding citizens as myself.

Sincerely,
Daniel Yoro Sr.

If you have any questions I can be reached at bibinkarules@yahoo.com

The above testimony was written and submitted by Daniel Yoro

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From: [Ninja Forms TxnMail](#) on behalf of [Brandon Kahaiali'i](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 5:58:29 PM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Brandon Kahaiali'i

I STRONGLY OPPOSE HB 1902 for these reasons.

- Does not allow grandfathering of currently owned magazines.
- 9th Circuit lawsuit Duncan vs Becerra is yet to be decided in the coming months.
- Violates the Second Amendment
- Reduces the efficiency of the militia
- Takes lawfully owned property from law-abiding gun owners
- Criminalizes law-abiding gun owners
- Some firearms don't have low capacity magazines options
- Some magazines can not be modified
- Attempts to fix a problem that does not exist
- Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at hawaiianbran@yahoo.com

The above testimony was written and submitted by Brandon Kahaiali'i

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From: [Ninja Forms TxnMail](#) on behalf of [Katie Konno](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 6:02:47 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Katie Konno

I oppose this bill.

If you have any questions I can be reached at katie.konno@gmail.com

The above testimony was written and submitted by Katie Konno

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From: [Ninja Forms TxnMail](#) on behalf of [Kuhina Kahaialii](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 6:12:05 PM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Kuhina Kahaialii

I STRONGLY OPPOSE HB1902 for these reasons:

-DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED MAGAZINES

-9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.

-Violates the Second Amendment.

-reduces the efficiency of the militia.

-Takes lawfully owned property from law-abiding gun owners.

-Criminalizes law-abiding gun owners.

-Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at klkahaialii83@gmail.com

The above testimony was written and submitted by Kuhina Kahaialii

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From: [Ninja Forms TxnMail](#) on behalf of [Jeremy Kahaialii](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 6:44:58 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Jeremy Kahaialii

"I STRONGLY OPPOSE HB 1902 for these reasons.

-Does not allow grandfathering of currently owned magazines.

-9th Circuit lawsuit Duncan vs Becerra is yet to be decided in the coming months."

-Violates the Second Ammendment

-Reduces the efficiency of the militia

If you have any questions I can be reached at Jlkahaialii@gmail.com

The above testinony was written and submitted by Jeremy Kahaialii

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From: [Ninja Forms TxnMail](#) on behalf of [Jacob Bruhn](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 6:49:03 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Jacob Bruhn

As a law abiding citizens I strongly oppose HB1902. This bill violates the 2nd amendment.

This fixes a problem that doesn't exist. Some firearms don't have a low capacity options and some magazines cannot be modified.

If you have any questions I can be reached at rockpounda@yahoo.com

The above testinony was written and submitted by Jacob Bruhn

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From: [Ninja Forms TxnMail](#) on behalf of [James Malczon](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 7:17:55 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is James Malczon

**DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED
MAGAZINES**

9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.

Violates the Second Ammendment.

reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

fixes a problem that does not exist.

Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at dukehawaiian@yahoo.com

The above testinony was written and submitted by James Malczon

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From: [Ninja Forms TxnMail](#) on behalf of [Karl Kubo](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 7:23:09 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Karl Kubo

I totally OPPOSE HB 1902. I'm a law-abiding gun owner and don't need my rights further eroded away.

If you have any questions I can be reached at karlk@hawaii.rr.com

The above testimony was written and submitted by Karl Kubo

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From: [Ninja Forms TxnMail](#) on behalf of [Roger Makanani](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 7:51:13 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Roger Makanani

Just stopfucking with our CONSTITUTIONAL rights and do your job that is all

If you have any questions I can be reached at rogermakanani@yahoo.com

The above testimony was written and submitted by Roger Makanani

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From: [Ninja Forms TxnMail](#) on behalf of [Bruce Race](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 8:02:56 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Bruce Race

A ban on large capacity magazines makes little sense. Do you know how many bullets it takes to stop a person from attacking you? No one really does. We've all seen the videos, (the proof, actually), dozens of shots fired and the attacker keeps on coming towards his intended victim. Many shots go wild, missing the assailant altogether. Is the assailant in good physical condition? (many of them are-using physical violence as a method of getting the victim compliant) Is he/she high on drugs? Have you ever tried to change a magazine in a stressful environment? It's damn near impossible, and can give your attacker the time to close the distance between him and you. Are you defending yourself with a small-caliber weapon, which might require several strategic hits to stop him? There are simply too many variables here to accurately define how many rounds it would take to stop an attacker. This bill needs to be defeated before it even gets off the ground.

If you have any questions I can be reached at brace1980shovelhead@hotmail.com

The above testinony was written and submitted by Bruce Race

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From: [Ninja Forms TxnMail](#) on behalf of [Jordan Au](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 8:04:26 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Jordan Au

To whom it may concern,

I strongly oppose HB1902. The fact that this bill does not allow grandfathering of currently owned magazines is abhorrent because it would make thousands of law abiding people criminals. It would also be taking away or forcing people to get rid of lawfully owned property. If someone were to commit vehicular homicide with a truck, I highly doubt that there would be legislation to ban trucks. Therefore I propose that this bill be thrown into an incinerator immediately.

Sincerely,
Jordan Au

If you have any questions I can be reached at jordan-726@hotmail.com

The above testinony was written and submitted by Jordan Au

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From: [Ninja Forms TxnMail](#) on behalf of [Jerry Yuen](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 8:08:20 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Jerry Yuen

I strongly oppose HB1902. This bill does nothing to protect the public and violates the rights of the individual. This bill combines 2 separate prohibitive measures.

9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months and the State of Hawaii may be able to avoid costly lawsuits if they table this bill for this session.

This bill violates the Second Amendment by limiting the proper type of arms the militia and the ability for that militia to effectively train and respond.

This law will criminalize and takes property from law-abiding gun owners.

There are some firearms that don't have low capacity magazines options.

This law allows law enforcement to check closed Family Court Records for firearms purchases

Jerry Yuen

If you have any questions I can be reached at jerry.t.yuen@gmail.com

The above testimony was written and submitted by Jerry Yuen

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From: [Ninja Forms TxnMail](#) on behalf of [Samuel Webb](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 8:31:01 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Samuel Webb

I oppose this bill because it criminalizes law-abiding gun owners and would not stop criminals
from still possessing them.

If you have any questions I can be reached at sebb67@yahoo.com

The above testimony was written and submitted by Samuel Webb

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From: [Ninja Forms TxnMail](#) on behalf of [Troy Shindo](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 8:33:00 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Troy Shindo

This is unconstitutional and violates my right as an American citizen. Why are you infringing on my rights with my 2nd amendment? I'm a law abiding citizen and this bill feels like a punishment for us that actually follow the rules.

If you have any questions I can be reached at tkshindo11@yahoo.com

The above testimony was written and submitted by Troy Shindo

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From: [Ninja Forms TxnMail](#) on behalf of [Renny Chee](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 8:48:53 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Renny Chee

Empower law abiding citizens and your constituents by giving them the means to defend themselves against criminals who don't care about laws and who will do anything to commit crimes. Banning magazine capacities will severely limit a citizens' right to defend themselves against an overwhelming criminal element. Focus your efforts on the current emergency pandemic at hand - get the economy of Hawaii going. In this time of uncertainty, it is not the time to further erode a person's means to defend themselves.

If you have any questions I can be reached at rennchee@gmail.com

The above testimony was written and submitted by Renny Chee

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From: [Ninja Forms TxnMail](#) on behalf of [jason wolford](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 8:55:28 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is jason wolford

**DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED
MAGAZINES**

9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.

Violates the Second Amendment.

reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

fixes a problem that does not exist.

Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at captjason@hawaii.rr.com

The above testimony was written and submitted by jason wolford

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From: [Ninja Forms TxnMail](#) on behalf of [steven kumasaka](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 9:03:30 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is steven kumasaka

please concentrate on the BIG ISSUES

COVID, THE ECONOMY, and figuring out the budget

STRONGLY OPPOSE

**DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED
MAGAZINES**

9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.

Violates the Second Amendment.

reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

fixes a problem that does not exist.

Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at macsak@gmail.com

The above testimony was written and submitted by steven kumasaka

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From: [Ninja Forms TxnMail](#) on behalf of [Zon Sullenberger](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 9:05:20 PM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Zon Sullenberger

Oppose HB 1902

This bill would instantly criminalize thousands of lawful gun owners for possessing legally acquired magazines overnight. This is just plain wrong! Further, it has no value in stopping criminals in any way. Also, why does this not apply to law enforcement as well? Why are law enforcement personnel some how a higher class of citizen? Why is my ability to exercise my constitutional rights less important than that of a police officer. Is there any data to support that a magazine ban actually has any effect on criminals and other illegal users for firearms? I highly doubt it. This only serves to neuter the law biding gun owner, weakening out ability to protect ourselves while not changing criminals access to larger magazines at all. Multiple perpetrator home invasion style robberies are becoming more common among criminals. With limits on magazine capacity, the law abiding gun owner is severely disadvantaged in this type of scenario.

Further, this type of limitation is likely to be ruled unconstitutional in pending litigation, so why create a law that will have to be defended at great expense to the state.

Oppose HB1902

If you have any questions I can be reached at zon@zon-arch.com

The above testinony was written and submitted by Zon Sullenberger

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From: [Ninja Forms TxnMail](#) on behalf of [Alison Wolford](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 9:33:12 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Alison Wolford

Strongly Oppose

Many firearms owners including myself have made investments into our chosen firearms and I feel like with this law you would be stealing my lawfully owned property and possibly may make my investments unable to use if other options are unavailable.

If you have any questions I can be reached at maui808@gmail.com

The above testimony was written and submitted by Alison Wolford

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From: [Ninja Forms TxnMail](#) on behalf of [Daniel Oshima](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 9:36:35 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Daniel Oshima

Law abiding individuals who are legally able own firearms should not have restrictions on any firearm's magazine capacity. There is no need for any rifle's detachable magazines to have limitations on ammunition capacity when a law abiding citizen owns and utilizes such equipment. Thank you, Daniel Oshima, Kaneohe Gun Shop

If you have any questions I can be reached at kaneohegs@yahoo.com

The above testinony was written and submitted by Daniel Oshima

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From: [Ninja Forms TxnMail](#) on behalf of [Brandon Santiago](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 10:53:52 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Brandon Santiago

I, Brandon Santiago, oppose this bill, as this bill is a direct violation of the second amendment, and is therefore, unconstitutional. Magazine capacity should be a non issue, as almost all magazines have a standard capacity of 20 rounds. Banning standard capacity magazines is a fix for an issue that does not exist, and will only further put a hindrance of law abiding firearms owners. The lawmakers of this bill also want to try to pass two different bills in this one bill, of which I find to be nonproductive and upsetting. Trying to enforce a bill like this will only cast burden on to our law enforcement officers, and will be a tremendous waste of resources. This bill will also put a hindrance on the militia as well, by diminishing the efficacy of training thru regulation of magazine capacity. In essence, this bill will make all law abiding firearms owners, criminals over night. The lawmakers that have drafted this bill, should look into ways of helping to fight crime, and not destroying the rights of the citizens, they are trying to protect.

If you have any questions I can be reached at brandosantiago1980@gmail.com

The above testinony was written and submitted by Brandon Santiago

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From: [Ninja Forms TxnMail](#) on behalf of [Michael Balisacan](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 10:59:57 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Michael Balisacan

I STRONGLY OPPOSE HB1902 JDC Because of the following reasons:

**DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED
MAGAZINES**

9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.

Violates the Second Ammendment.

reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

fixes a problem that does not exist.

Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at yocuz177@me.com

The above testinony was written and submitted by Michael Balisacan

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From: [Ninja Forms TxnMail](#) on behalf of [Todd Yukutake](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 11:03:58 PM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Todd Yukutake

I oppose this bill. I am a retired Army veteran, former police officer, and firearms trainer.

There is a false belief that 10 rounds in a firearm is more than enough for self-defense and you could stop 10 criminals. 10 rounds sometimes is not enough. You will miss. It takes several hits to stop a determined criminal. Criminals on drugs can absorb a dozen bullets. Some bullets will hit objects in the way. There may be multiple criminals attacking you. The recent riots across the mainland highlighted this fact where enraged mobs beat, or even killed, innocent people. The police choose firearms and magazines with high capacities because they know these facts for themselves. Police in Hawaii have been in several situations where more than 10 bullets were needed.

Please respect the 2nd Amendment by opposing this bill.

Mahalo

Todd Yukutake
(808) 255-3066

If you have any questions I can be reached at toddyukutake@gmail.com

The above testimony was written and submitted by Todd Yukutake

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From: [Ninja Forms TxnMail](#) on behalf of [Wilson Nguyen](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 11:21:51 PM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Wilson Nguyen

I am a U.S Marine Corps veteran. It takes me about 1-3 seconds to speed reload. Anyone can learn how to speed reload if they practice enough. Those who intrude houses don't usually go alone.

A ban on large capacity magazines will increase the numbers of reloads criminals will have to perform (assuming that these criminals don't commit the crime of having a large capacity magazine); however, this will also increase the numbers of reloads that you will have to perform when an intruder enters your house and you are probably outnumbered and outgunned. In the past few weeks, there is a rise in number of children that has gone missing. Who does this bill protect? This bill protects criminals and endanger the lives of innocent and law-abiding citizens. A ban is not the solution, but better regulation is.

The example that this bill used, the 2019 mass shooting in Dayton, Ohio, is irrelevant to Hawaii as a drum magazine that hold one hundred rounds is already banned in Hawaii. While it is tragic that the Ohio assailant killed nine people and wounded twenty-six others, this assailant could had easily created more deaths and casualties if he truly wanted to by other means. You can create a bomb from cheap materials from Walmart and Costco that kills and injures more people but that doesn't mean we should ban stores from selling those items. The Taliban creates homemade Improvised Explosive Devices (IEDs) that has killed thousands of soldiers, sailors, airman, and marines. Even an American can learn how to create an IED if they truly wanted to. The internet has an abundance of information, is free and is easy to use. The Boston Marathon Bombing killed 3 but injured 264 people. Hell, you can even use your car. More people are killed by motor vehicle accidents than firearms, yet we rarely hear about more bans and restrictions on motor vehicles or their parts and accessories. We know that it is not the car that kills but the driver. Similarly, it's not the guns that kills, but the individual who wields the gun. That is why I say a ban on large capacity magazine is not the solution, but better regulation of it is.

This bill brings us one step closer to a gun ban which is extremely dangerous to our freedom of speech and expression. Our Founding Fathers gave us the right to bear arms for several reasons. The more restrictions and bans you have on guns, the more power you take away from citizens and the more power you give to those who are or want to be tyrants and totalitarians. Look at China and North Korea. Guns are completely banned there but so is freedom of speech. If the people of Hong Kong had guns, their protest would have had a different outcome.

It seems like those who want heavy restrictions of guns never want to move to countries with these heavy gun restrictions. It seems like politicians who want gun restrictions the most are

also the ones who coward behind men with guns the most. A ban on large capacity magazine is not the solution, but better regulation is.

If you have any questions I can be reached at wn2@hawaii.edu

The above testimony was written and submitted by Wilson Nguyen

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From: [Ninja Forms TxnMail](#) on behalf of [Jarrad Kalua](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 11:24:40 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Jarrad Kalua

Our world is going to hell right now, people have no respect for our police, they riot, burn cars and take over whole city blocks, take over police precincts and our legislature wants to infringe on our second amendment of the law abiding citizens. While the criminals will still get the high capacity magazines and illegal weapons. Do what is Pono, at least grandfather the accessories or magazines the people already own. These cost us legal firearms owners money and we shouldn't be penalized for others actions.

If you have any questions I can be reached at soujah808@hawaii.rr.com

The above testimony was written and submitted by Jarrad Kalua

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From: [Ninja Forms TxnMail](#) on behalf of [Jenson Merrick](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Tuesday, June 23, 2020 11:32:07 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Jenson Merrick

Aloha To Whom It May Concern,

I Jenson Merrick, a husband, father and law abiding citizen, strongly oppose the prohibiting of large capacity magazines for our firearms. For many reasons. Mainly on the reason of protection. I know we can all agree it is a different world now days. So much people high on drugs or just out to do stupid things. Restriction on our magazines' capacity can be a life or death situation. For instance, in the event of an unwanted time of protection of family and self, with a low capacity magazine we better not miss at all. What if its more than one person? What if the person or people are high on drugs? What if these criminals have weapons as well? I ask these questions one because your average shooter goes to a gun range and sits still and shoots fixed targets. In a high pressure situation, scared and stressed, standing with a person or persons attacking you, is a total different situation. And most people don't do well in their first try or time of doing anything. Also we've seen and heard from law enforcement officers who shot someone under the influence of drugs who wouldn't stop or go down with one shot. It is also known that Hawaii has the highest percentage of ice users per capita. So once again I strongly oppose this prohibiting of large capacity magazines on your law abiding citizens. Criminals commit crimes regardless of law. Criminals will also have weapons with large capacity magazines if laws are passed or not. But passing this law will render the law abiding citizens at risk. **WE ARE GOOD PEOPLE, WHO WILL PROTECT AND SERVE OUR FAMILY, FRIENDS, STATE, AND EVEN ALL OF YOU! DON'T GIVE CRIMINALS THE UPPER HAND IN ANY SITUATION!** Thank you for your time. Please make the right decision for we the people who have the right to Keep and bear arms. Mahalo and Aloha

If you have any questions I can be reached at Malamapono3@gmail.com

The above testimony was written and submitted by Jenson Merrick

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From: [Ninja Forms TxnMail](#) on behalf of [Tim Miyao](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 12:14:28 AM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Tim Miyao

To the Honorable Legislature of the State of Hawaii,

I appreciate your time reviewing my testimony regarding HB 1902: Firearms; Large-Capacity Magazines; Prohibition. According to HB 1902 standard capacity magazines would be prohibited. Would a ban on standard capacity magazines have any significant impact on crime rates in the State of Hawaii? What concrete evidence proves that prohibitions on law abiding citizens, from possessing standard capacity magazines, would reduce crime in the State of Hawaii?

In Hawaii anyone wishing to possess a firearm must undergo stringent background checks to determine that he/she is a law abiding citizen. There are annual renewal of permits to purchase long guns and individual permits for handguns. Law abiding citizens go thru the state's firearm registration process. Due to the limited operating hours of HPD Firearm Division, many people need to take off of work to register. Law abiding citizens demonstrate that they are honorable and not of the criminal element. Law abiding citizens who wish to best be able to defend their families. People who want to enjoy their hobby and sport.

Criminals on the other hand do not undergo background checks. They do not go thru the registration process or acquire permits. Laws are meaningless in the eyes of the lawless. If criminals are able to acquire firearms illegally, could it also be reasoned that they would be able to acquire magazines (of any capacity), regardless of the law? HB 1902 would impact law abiding citizens while having no impact on the lawless.

I respectfully ask that you please oppose HB 1902. This legislation unfairly treats law abiding citizens like untrustworthy criminals. It does nothing to prevent criminals from acquiring firearms illegally nor will it prevent evil misdeeds.

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

Mahalo and have a wonderful day!

If you have any questions I can be reached at tmiyao@live.com

The above testimony was written and submitted by Tim Miyao

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From: [Ninja Forms TxnMail](#) on behalf of [Kenneth Nakamura](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 12:58:03 AM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Kenneth Nakamura

I do not support HB 1902 as I see it as an unnecessary and almost unenforceable law. It would be a burden to legal gun owners as 10 round magazines are not currently/normally manufactured. I believe the lawmakers no that the 10 round magazine is not currently readily available so passing this would be a defacto ban on the weapon, forcing otherwise law-abiding citizens to become felons overnight.

I also find the mental health provision as overreach and ask, why can they not own a bolt action rifle, but be allowed to drive a semi truck which could cause far more damage? As always democrats have clouded the issue. If you are prohibited from owning a weapon because you had ADHD as a teenager, and make you go through a costly clearance process to gain your CONSTITUTIONAL RIGHT, then that is overreach. Can you provide any statistics to support this absurd violation of a right? Why only ban them from guns, what about working in healthcare, being an attorney, or having a driver's license?

I do not support this bill and any suggestion that it is supported by HPD is ludicrous. If you polled HPD Officers (Not Administration) they do not support this bill.

If you have any questions I can be reached at nakamurak002@gmail.com

The above testimonial was written and submitted by Kenneth Nakamura

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From: [Ninja Forms TxnMail](#) on behalf of [John Carvalho](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 6:26:05 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is John Carvalho

I am the owner of Kona Guns and Ammo. I OPPOSE this bill. This bill will adversely affect my business and with current national demand would be a near BAN in Hawaii. There are few rifles ever available at any given time and the few rifles that I'm able to bring in have 30 round magazines as a standard.

If you have any questions I can be reached at moontanning808@gmail.com

The above testinony was written and submitted by John Carvalho

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From: [Ninja Forms TxnMail](#) on behalf of [Niel Kaneshiro](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 7:14:02 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Niel Kaneshiro

I oppose this bill. I am simply appalled that the legislature is wasting time on this issue when Hawaii's economy is in a tail spin with more than 1/5th of its workers unemployed. This bill will do little if anything to improve public safety and appears to be another attempt to further limit and criminalize legal and responsible firearms ownership in the state. The legislature must focus on the desperate needs of Hawaii's people – the economy, the fate of our elderly quarantined in poorly regulated nursing homes, the legion of homeless on our streets, and our shattered education system. Recently, A police suspect has died in custody under unclear circumstances. What is the legislature doing for police reform? Transparency?

Accountability? The legislature needs to stop wasting time on therapeutic bills that do nothing to resolve Hawaii's enormous problems. Stay focused. People are suffering. This bill will do nothing to resolve the tsunami of evictions, foreclosures, defaults, and bankruptcies that are coming.

If you have any questions I can be reached at nkbuymail-1@yahoo.com

The above testinony was written and submitted by Niel Kaneshiro

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From: [Ninja Forms TxnMail](#) on behalf of [Shelton Yamashiro](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 7:20:03 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Shelton Yamashiro

OPPOSE THIS BILL FOR THE FOLOWING:

**DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED
MAGAZINES**

9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.

Violates the Second Ammendment.

reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

fixes a problem that does not exist.

Allows law enforcement to check closed Family Court Records for firearms purchases

Shelton Yamashiro

If you have any questions I can be reached at shelton.yamashiro@gmail.com

The above testinony was written and submitted by Shelton Yamashiro

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From: [Ninja Forms TxnMail](#) on behalf of [Jordan Kaia](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 7:32:04 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Jordan Kaia

If by a stroke of a pen our current president said we are banning all gas powered vehicles and if you own one you will now be in possession of an illegal item. Two seconds ago it was legal. I have no criminal record yet i legally own property that you are trying to ban. Yet still allow law enforcement to use these magazines as you do now with their pistols. Why? Why would they need such fire power if the common citizen can not? Because their life depends on it. And with all thats going on in this country you expect me to sit and wait for the police to come to my rescue. I ask that you reconsider taking someones lawfully owned property that will be used in the same life saving fashion as our law enforcement officers.

If you have any questions I can be reached at ikaikakaia@gmail.com

The above testinony was written and submitted by Jordan Kaia

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From: [Ninja Forms TxnMail](#) on behalf of [Shari Ishii](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 7:49:46 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Shari Ishii

As someone who has taken numerous training seminars/workshops/classes for both self & tactical defenses and marksmanship, I have seen and experienced first-hand that if you are using any firearm to stop/slow possible danger to yourself or others, and that target is moving, you will need to be an extremely seasoned marksman to be able to do so. Picture yourself in your home. You have kids sleeping and you hear banging at your front door. IF you have a firearm, most likely I would think you'd have it ready to defend the life of you, your spouse and above all, your children. A gap of 21 feet/7 yards can be closed in 1.5 seconds. Ask any law enforcement officer who has had to deploy his firearm at a moving target, "How many rounds did you fire before one made contact?!" I would put money on it that the answer will most likely be at least 10 or more. This is coming from an LE--and you, a private citizen, expect to be able to stop a threat with 5 or less rounds?! No way. Sure, upon hearing the banging, you could have called 911. The nation's average response time is 10 minutes. Do you have that luxury?! Is your family's well-being & safety worth waiting the 10 minutes? The national average time for someone to break into a house is 8-12 minutes. Why would you pass a law that puts the innocent, law-abiding citizen in harm's way?!

If you have any questions I can be reached at 2009runner808@gmail.com

The above testinony was written and submitted by Shari Ishii

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From: [Ninja Forms TxnMail](#) on behalf of [Michael Thomas](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 8:01:29 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Michael Thomas

As a law abiding citizen, this bill serves no purpose but to further restrict our constitutional right for self defense and protection. As a self defense instructor I teach my students to depend on no one but themselves and to stay prepared. This bill LIMITS their ability to do that

If you have any questions I can be reached at michael.t@havoc-srt.com

The above testimony was written and submitted by Michael Thomas

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From: [Ninja Forms TxnMail](#) on behalf of [Joshua Drye](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 8:04:21 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Joshua Drye

It against our second amendment rights for you to ban high capacity magazines.. especially if you think it's okay for law enforcement to own them but not civilians.. that is discrimination. It's already hard enough for us here in Hawaii own firearms which is our given right as Americans. We have never had any major firearm issues in this state. The more you take away from law-abiding citizens the easier it becomes for criminals to harm us. Please think about the American citizens and stop thinking about yourselves for once. Semi-automatic rifles are not considered assault rifles. High capacity magazines have nothing to do with hunting it is for our right to protect ourselves. Taking that away makes vulnerable and unable to protect what's ours. So please stop trying to take away from law-abiding citizens..

If you have any questions I can be reached at Shwat2012@gmail.com

The above testinony was written and submitted by Joshua Drye

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From: [Ninja Forms TxnMail](#) on behalf of [James Revells](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 8:14:36 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is James Revells

Oppose bill. I feel that it is an unnecessary regulation and should not be added to the previous law.

If you have any questions I can be reached at kimo501999@aol.com

The above testimony was written and submitted by James Revells

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From: [Ninja Forms TxnMail](#) on behalf of [Andrew Uchida](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 8:23:59 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Andrew Uchida

Aloha,

My name is Andrew Uchida and I was born and raised in Honolulu. I am writing this to oppose HB1902JDC. I, like the overwhelming number of rifle owners in Hawaii, am a respectful law-abiding citizen. I ask you to continue to allow regular (30 round) capacity rifle magazines to remain legal to purchase and possess in Hawaii. With the current state of civil unrest in our country, with unrestrained rioting, violence, destruction of property, looting and murder, the case for law-abiding citizens to be able to arm and protect themselves has never been stronger. I implore you to allow me to continue to protect my wife, 11 year old daughter and aging parents and grandma from any and all threats to their safety and well-being. Please do not allow this bill, which threatens the safety of me and my ohana, to pass into law.

Mahalo Nui for listening.

If you have any questions I can be reached at lyflonglearner@hotmail.com

The above testimony was written and submitted by Andrew Uchida

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From: [Ninja Forms TxnMail](#) on behalf of [Aaron Bronson](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 8:25:04 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Aaron Bronson

Currently this bill regarding the prohibition of "standard" capacity magazines is in place for pistols. Hawaii has not had issues in the past as regards to issues involving magazines used in crimes to any extent. Further more it seeks to punish legal law abiding gun owners and criminalizes them for owning a item that is common place in firearm ownership.

If you have any questions I can be reached at roxylani@yahoo.com

The above testinony was written and submitted by Aaron Bronson

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From: [Ninja Forms TxnMail](#) on behalf of [George Pace](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 8:37:40 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is George Pace

STRONGLY OPPOSE

Get real. There is no evidence that this measure will do anything at all to enhance the safety of Hawaii residents. There is evidence that it may endanger the safety of some Hawaii residents. Total violation of the natural God-given fundamental individual unalienable civil rights of United States citizens. Anyone voting for this is a traitor to their oath of office to support and defend the constitution of the United States.

**DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED
MAGAZINES**

9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.

Violates the Second Amendment.

Reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines cannot be modified.

Fixes a problem that does not exist.

Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at surfgeorge@yahoo.com

The above testinony was written and submitted by George Pace

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From: [Ninja Forms TxnMail](#) on behalf of [Rikki Kaia](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 8:40:16 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Rikki Kaia

I am a law abiding woman citizen that is already restricted way beyond my civil rights to protect myself in public areas. I am unable to defend myself efficiently against a person of any greater strength and stature. Being of filipino decent it's not difficult to find someone bigger, better, stronger than I. I train religiously with firearms and other defense tactics to hopefully help my chances of survival in any situation. Including home invasion. But that doesn't mean I am able to fight off multiple assailants. I have children and I am alone with them frequently. In today's climate with defunding police, civil unrest, etc....it is imperative that I am able to keep the little legal rights I have left to be able to defend myself and my family if the need arises. We have already seen how things can escalate and seen how relying on the police for help could cost people their lives. I do not want to be one of those victims. I want to be able to protect myself and my children. Please do not pass this bill that restricts me even more and creates more victims than safety. I have a duty to protect and so do you.

Protect me by allowing me the tools to fight and win.

If you have any questions I can be reached at rikkikaia@gmail.com

The above testimony was written and submitted by Rikki Kaia

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From: [Ninja Forms TxnMail](#) on behalf of [Kevin Simmons](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 8:59:06 AM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Kevin Simmons

Continuing to further restrict the 2nd Amendment rights of Hawaii's citizens will not stop violent criminals from being violent criminals. As a retired Marine and veteran of Operations Iraqi Freedom and Enduring Freedom, I can assure you that restricting magazine capacity in firearms only puts the law abiding citizen who wants to defend themselves at a disadvantage. There are countless after action reports of adversaries getting shot multiple times and continuing to fight; the same is absolutely true for law enforcement engagements. Reports of police officers "emptying" an entire 15-17 round magazine into a criminal are common.

Hawaii has a low rate of gun crime for one reason, and that's aloha. The gun crime that does occur has historically involved criminal elements who have illegally obtained or are in illegal possession of a firearm. Will this bill stop them from killing, if they want to kill? The answer is clearly no. If the argument is "they'll kill less people", the answer is still no. A criminal with any skill at weapons manipulation can conduct a reload quickly and have a firearm back into battery before a self-defender/LEO can maneuver to engage. So the question is, who does this stop from acquiring magazines with capacities greater than 10 rounds? The answer is me, and thousands of my fellow citizens who use these firearms for self-defense and recreation. This act won't bring back brave officers like Enriquez or Kalama. It won't keep my son safe at Saint Louis High School.

We are citizens, not subjects. As such, we have the right to defend ourselves; that right is as absolute as any other. Do the hard work and figure out how we can bring our disenfranchised and our poor to prosperity and away from violence.

Mahalo

If you have any questions I can be reached at wrangler_usmc@yahoo.com

The above testimony was written and submitted by Kevin Simmons

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From: [Ninja Forms TxnMail](#) on behalf of [James Palicte](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 9:04:07 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is James Palicte

Aloha,

I am writing to voice my opposition on HB1902 JDC. Through reading this bill, I am discouraged that law-abiding gun owners such as myself would be criminalized over lawfully acquired property. Further, that this legislation would unlawfully strip said property from law-abiding citizens baffles me. Duncan vs. Becerra is a suit coming down from the supreme court in the coming months and I urge our lawmakers to wait on that key decision before wasting any more time and resources on legislation locally on the matter. Finally, this bill as it is written is in PLAIN and OBVIOUS violation of the 2nd amendment of the United States Constitution. I strongly urge you to uphold your oaths of office and NOT pass this legislation.

Mahalo,

-James P.

If you have any questions I can be reached at dewd019@gmail.com

The above testinony was written and submitted by James Palicte

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From: [Ninja Forms TxnMail](#) on behalf of [Michael Harris](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 9:05:18 AM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Michael Harris

I am submitting this testimony in opposition to HB 1902. This bill is an overreach; one in flagrant contravention to current understanding of our constitutional protections and a grim confirmation of fears arisen when the original magazine prohibition concerning pistols was introduced; there is, in fact, a slippery slope, and the State intends to rush down it with all haste to the intended end of banning firearms by piecing out their components one-by-one.

As recognized in *District of Columbia v. Heller*, the Second Amendment protects an individual's right to keep and bear arms. Likewise, as hashed out in cases like the United States District Court, Southern District of California's *Duncan v. Becerra*, that right is not limited to guns but extends also to the ammunition and magazines that make guns operable. As protections set down amidst the *District of Columbia v. Heller* extend to protect firearms in "common use," this would seem also to indicate that such protections extend to their standard magazines—magazines usually containing 20 – 30 rounds, which have erroneously become labeled "high-capacity" in recent years in an attempt to scare the public. These components are not "high-capacity," but are rather standard; their common use extends, in some cases, back in time for nearly a century. Their common use continues today.

Likewise, the effectiveness of such legislation is dubious at best. Inquiries on the subject, such as the NIJ-funded report "Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003", studying the "Assault Weapons Ban" which contained such a prohibition on magazine size as one of its central tenets, found that the restriction did little but to drive the prices of magazines up for law-abiding citizens. Criminals, by definition, do not abide by the law; magazines, being simpler to manufacture, machine, and fit than entire firearms, are unlikely to be successfully restricted in this manner unless the state intends to ban objects such as springs, metal files, and plastic extrusion printers.

Furthermore, as sketched on multiple occasions, the number of shots fired in firearms altercations is far lower than would seem to justify this anxiety as to the capacity of extant magazines; Florida State University criminologist Gary Kleck, in his book "Point Blank," placed the figure at 2.55. To further highlight the ineffectiveness of such legislation, one ought necessarily to point, further, to its failure "in the field"—during one of the worst mass shootings of the era, the incident at Virginia Tech, the shooter was using magazines which would have been compliant with this ban. Given that the shooter successfully changed magazines 17 times during the incident, and was in the end not stopped by police but rather by his own bullet, it puts into question the usage of such shootings as explicit justification for this ban into question.

To summarize, HB 1902 would be an aggravating frivolity in the face current facts. Not only would it be ineffective at preventing the threat it purports to mitigate, but its clear unconstitutionality would ensure that it would be successfully challenged in the future and struck down, wasting plentiful taxpayer money and time in the process.

If you have any questions I can be reached at mh8@hawaii.edu
The above testimony was written and submitted by Michael Harris

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From: [Ninja Forms TxnMail](#) on behalf of [Jesse Gilley](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 9:09:35 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Jesse Gilley

Restrictive to the most law-abiding citizens. Does little to nothing to punish criminal or those
choosing to disobey the laws.

If you have any questions I can be reached at jessegilley@hotmail.com

The above testinony was written and submitted by Jesse Gilley

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From: [Ninja Forms TxnMail](#) on behalf of [Glenn Harada](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 9:24:23 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Glenn Harada

HB1902 should be passed immediately. Prohibiting large capacity magazines to any firearm has been shown to save lives in several mass shooting across the US. It does NOT violate the 2nd Amendment as there is no mention of large capacity magazines in the 2nd Amendment.

Hawaii has one of the lowest instances of gun violence and this bill will make Hawaii safer.

If you have any questions I can be reached at neojava33@yahoo.com

The above testimony was written and submitted by Glenn Harada

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From: [Ninja Forms TxnMail](#) on behalf of [Jon Abbott](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 9:26:56 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Jon Abbott

I strongly OPPOSE this measure.

Faced with 30% unemployment, a ruined economy, and the prospect of a second wave of the global pandemic, I find it shameful this legislature is still considering any other bill that does not help address this crisis. Instead of helping the thousands of families that are facing hunger and abject poverty, the legislature has deemed it more important to proceed with legislation that seeks to turn lawful gun owners into Felons with the stroke of a pen.

The rioting across the country has demonstrated the need for the Second Amendment including the need for magazines capable of defending oneself against multiple attackers. Ammunition magazines that hold over 10 rounds are essential for this purpose. This bill is therefore a direct violation of the Second Amendment and should be removed from consideration.

In the State of Hawaii, there are hundreds of thousands of these magazines already legally owned by gun owners. Given the low rate of gun crimes it is clear that these devices do not pose a threat to public safety. Making them illegal will do nothing to prevent crime.

Another significant problem with this bill is the naming of a Moms Demand Action member to the Gun Violence Committee specifically, There are many gun safety advocacy groups in this nation. The position on the council should be shared amongst the various groups rather than one special interest group.

If you have any questions I can be reached at jonwebsterabbott@yahoo.com

The above testinony was written and submitted by Jon Abbott

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From: [Ninja Forms TxnMail](#) on behalf of [Harmony Kahaiali'i](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 9:37:34 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Harmony Kahaiali'i

Please, please, oppose HB 1902. Please consider:

1. Studying the dialogue of America's founding fathers during their discussions concerning the reasoning, intent, and wording of the 2nd amendment would be, you can see how and why HB1902 is in contradiction of both the letter and spirit of the 2nd amendment.

2. 30 round magazines are actually considered "standard capacity". They are, and have been for decades, the standard sized magazine used by lawful gun owners. And for good reason.

A) America has recently witnessed just how volatile society can be. We've seen cities and communities across America go from a quiet norm one day to complete lawlessness the next. Cities were set ablaze, businesses looted and vandalized, business owners killed in cold blood trying to defend their livelihoods. Heavily outnumbered by rioters bent on looting, the victims stood no chance. These are some of the circumstances the 2nd amendment was meant for: to provide citizens the right tools for their defense.

2) We've also seen trends of home intrusions/burglaries across the nation being committed by multiple intruders rather than just 1 or 2. Having adequate ammunition to defend life, limb, and property from such an overwhelming threat could be the determining factor in the survival of individuals and their families.

While concern for these tools ending up in the wrong hands are valid, it is reasonable to consider the fact that on any given day criminals can acquire firearms and accessories through the "black market". Good, law-abiding citizens do not deserve to have their 2nd amendment rights limited placed on them by the law, while criminals are unaffected. It is unconstitutional and unfair.

If you have any questions I can be reached at Bkahaialii@gmail.com

The above testimony was written and submitted by Harmony Kahaiali'i

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From: [Ninja Forms TxnMail](#) on behalf of [Colby Arakaki](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 9:49:16 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Colby Arakaki

I'm a law abiding citizen who hasn't committed any crimes. It's not fair to do these restrictions. It's obviously that the bad guys will get larger magazines illegally. You are taking away my protection out of FEAR. This will not stop people from obtaining medium capacity magazines. This is again restricting majority of they "good guys" ability to shoot for fun and protection. This is an offense to the second amendment (not for hunting or target shooting). Hawaii has too much restrictions on gun laws. The most ridiculous is transport from A-B. I live 1hr 30mins to the closest range and I can't stop for food or gas, a bit ridiculous. But this is about the magazine capacity. Please don't pass this, it won't protect anyone but themselves. Thank you

If you have any questions I can be reached at cobian88@gmail.com

The above testimony was written and submitted by Colby Arakaki

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From: [Ninja Forms TxnMail](#) on behalf of [Tyson Ishibashi](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 9:54:50 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Tyson Ishibashi

I strongly oppose this bill.

Regarding the large capacity magazine.

Exempting only law enforcement of this large capacity magazine I believe it is unconstitutional and unfair. If this bill does pass, us law-abiding citizens who own large capacity magazines should be reimbursed in some way.

In deeper thought, if this ban is geared more for gun violence, having a smaller capacity magazine will not change the outcome of violent crime being committed. I feel as if it is a failure on part of the doctors, state and county for lack of steady Health checks.

If you have any questions I can be reached at kae101007@yahoo.com

The above testimony was written and submitted by Tyson Ishibashi

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From: [Ninja Forms TxnMail](#) on behalf of [Willow Aureala](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 9:58:10 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Willow Aureala

I oppose this bill.

This bill violates the second amendment as well as 'attempts' to fix a problem that doesn't exist.

Furthermore, as a mental health professional I oppose any requirement for someone to have the mental health conditions formally submitted to police without any due process. Some firearms don't have low capacity magazine options and some mags cannot be modified.

If you have any questions I can be reached at willowhi@yahoo.com

The above testimony was written and submitted by Willow Aureala

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From: [Ninja Forms TxnMail](#) on behalf of [Donald McGean](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 9:58:11 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Donald McGean

I oppose this bill on the grounds that it prevents me from protecting my ohana within our
home to violent intruders.

If you have any questions I can be reached at donniemcgean@gmail.com

The above testinony was written and submitted by Donald McGean

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From: [Ninja Forms TxnMail](#) on behalf of [Michael MacDougall](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 10:10:24 AM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Michael MacDougall

Hello,

I oppose HB1902 because among other reasons it is blatently anti gun owner.

This bill is trying to solve a problem that does not exist. Have you seen some kind of increase
in crime involving larger capacity magazines?

I have not.

Sincerely,

Michael MacDougall

If you have any questions I can be reached at mcmdougall@icloud.com

The above testinony was written and submitted by Michael MacDougall

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From: [Ninja Forms TxnMail](#) on behalf of [Daniel Uchida](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 10:24:03 AM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Daniel Uchida

Seeing how our country's leaders have allowed civil unrest to become so destructive and lawless, in many of our major cities, and remembering that this is how other countries have lost their freedom, I oppose this bill for our personal protection and freedom.

If you have any questions I can be reached at duchida@hawaiiantel.net

The above testinony was written and submitted by Daniel Uchida

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From: [Ninja Forms TxnMail](#) on behalf of [Tod Gushiken](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 10:24:31 AM



This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Tod Gushiken

I vehemently oppose HB1902. Bills such as these constantly cite Hawaii having an A- rating from the Giffords Law Center but that we can strive to do better. Perhaps we should implore the Giffords Law Center to devise a grading system for homelessness, education, affordable housing, cost of living, and a multitude of actual, glaring issues facing Hawaii. Surely we are extremely lacking in a sufficient passing, even mediocre, grade.

These are all contributing factors to crime. A firearm is just a tool chosen in the commission of a crime, much as any other implement could be used. Rather than tackle the many systemic symptoms of crime it appears Hawaii would rather pass the blame to firearms.

Magazine capacity limits will not deter criminals in the least. How many crimes have been committed with a magazine over 10 rounds? Is there statistical data to back up the proposal of HB1902? Surely fact-based legislation should be a standard.

This bill will do nothing but turn tens of thousands of Hawaii residents into criminals while having zero affect on the current criminal population.

The beginning of HB1902 refers to incidents all across the mainland U.S., but Hawaii is uniquely spared the same issues of our contiguous stately counterparts. During the recent civil unrest across the country, and calls for police reform, Chief Ballard insisted that any such changes should not apply to Hawaii because we are a different case altogether (Civil Beat 06/19/2020). Odd how Hawaii should suddenly be considered unique for certain matters, but thrust into conformity in others.

Along with the recent civil unrest, the ongoing COVID-19 pandemic has brought a slew of critical issues to Hawaii. Given problems like unemployment, lack of tourism, and a crippled economy, there are much more important matters to be dealt with. That bills like HB1902 would still be pursued during these uncertain times is disheartening. Hawaii's leadership needs to step up and address the pressing conditions driving our state further into dire straits.

Please, do not consider passing HB1902.

If you have any questions I can be reached at tod.gushiken@gmail.com

The above testinony was written and submitted by Tod Gushiken

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From: [Ninja Forms TxnMail](#) on behalf of [John Yoshimori](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 10:29:01 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is John Yoshimori

To whom it may concern, this legislation DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED MAGAZINES!!!! It also violates the Second Amendment, reduces the efficiency of the militia, takes lawfully owned property from law-abiding gun owners, and criminalizes law-abiding gun owners and military members whom has high capacity magazines that may have been purchased in support of their duties. Some firearms don't have low capacity magazines options, which is a problem in itself. Some magazines can not be modified and have added cost which not all gun owners can afford especially in this economy. There is no problem to which this legislation is going to fix. Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at xploralways@gmail.com

The above testinony was written and submitted by John Yoshimori

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LATE

From: [Ninja Forms TxnMail](#) on behalf of [joshua.yamashiro](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 11:04:10 AM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is joshua yamashiro

I oppose this bill.

It aims to fix a problem that doesn't exist in Hawaii. Hawaii has the lowest rates of firearm violence in the nation.

During this pandemic, the legislature should be focused on more pressing issues instead on non-existent problems.

If you have any questions I can be reached at jyamashiro@yahoo.com

The above testimony was written and submitted by joshua yamashiro

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From: [Ninja Forms TxnMail](#) on behalf of [martin lau](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 11:14:21 AM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is martin lau

Aloha,

As we all know criminals do not follow the law and this would once again limit law abiding citizens from being able to adequately protect themselves. If passed this bill would turn tens of thousands of people into felons for owning magazines capable of holding over 10 rounds.

I am a gun store owner and firearms instructor on Oahu and remind you this is an election year. The people have had enough of these empty laws that do nothing but give the criminals more rights than the law abiding citizen.

Koffin Wurks LLC / Kmconcepts

If you have any questions I can be reached at koffinwurks@gmail.com

The above testinony was written and submitted by martin lau

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From: [Ninja Forms TxnMail](#) on behalf of [Mariner Revell](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 12:40:05 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Mariner Revell

I strongly oppose this bill. It is an infringement on my rights and takes away the ability to
defend my family and property from criminals! Criminals do not follow the law!

If you have any questions I can be reached at mariner@kimurabrands.com

The above testinony was written and submitted by Mariner Revell

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From: [Ninja Forms TxnMail](#) on behalf of [Philip Tong](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 12:44:06 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Philip Tong

I strongly oppose this bill as against our Second Amendment rights.

If you have any questions I can be reached at ptong8@sbcglobal.net

The above testinony was written and submitted by Philip Tong

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From: [Ninja Forms TxnMail](#) on behalf of [Ted Meditz](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 1:10:05 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Ted Meditz

Please do not infringe our constitutional rights!

If you have any questions I can be reached at ted.meditz@gmail.com

The above testimony was written and submitted by Ted Meditz

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From: [Ninja Forms TxnMail](#) on behalf of [Kelii Silva](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 1:21:59 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Kelii Silva

I strongly oppose this bill. It is a violation of second amendment rights.

Another bill that simply turns law abiding citizens into criminals.

Please do not pass this bill.

Mahalo

If you have any questions I can be reached at ksilva808@gmail.com

The above testinony was written and submitted by Kelii Silva

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From: [Ninja Forms TxnMail](#) on behalf of [Jake Hanawahine](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 1:22:30 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Jake Hanawahine

I strongly oppose this bill

If you have any questions I can be reached at da808rock@yahoo.com

The above testinony was written and submitted by Jake Hanawahine

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From: [Ninja Forms TxnMail](#) on behalf of [Matthew Ua](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 1:55:09 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Matthew Ua

Aloha I'd like to express my opposition to this bill as it directly inhibits my ability to protect my family and my life. It also does not grandfather our legally owned standard capacity magazines

If you have any questions I can be reached at matthewua@yahoo.com

The above testinony was written and submitted by Matthew Ua

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From: [Ninja Forms TxnMail](#) on behalf of [Ryan Nakagawa](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 1:59:26 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Ryan Nakagawa

First and foremost, there should

Be no exceptions for police. If the laws you are passing work, then they just need the same equipment as non law enforcement get. If they “need it for their job” then they must check it in at the end of the shift. They are a civilian then and can deal with what we are allowed to have. This above the law crap NEEDS TO STOP.

I know you are out of touch with most of your constituents, but most gun owners are responsible and follow the law. The criminals do not care. Stop penalizing me for something out of my control. We are in a unique place with a unique situation. Out here in the middle of the ocean, we need to be able to protect ourselves. The session was supposed to be about COVID-19, stay on topic! Worry about the important issues right now, not magazine capacity and fines for firearms not in the state. In Corporate America, you would be look like an idiot for calling a meeting for a certain topic then showing up and doing something else! You would LOSE CREDIBILITY! Again, Get back on task!

If you have any questions I can be reached at nak1127@msn.com

The above testinony was written and submitted by Ryan Nakagawa

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From: [Ninja Forms TxnMail](#) on behalf of [Austin Komo](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 2:41:02 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Austin Komo

This bill is unconstitutional! It is an infringement on our second amendment! To do away with grandfathered in magazines is stealing from people who spent hard earned dollars on goods they purchased!

If you have any questions I can be reached at aukomo93@gmail.com

The above testinony was written and submitted by Austin Komo

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From: [Ninja Forms TxnMail](#) on behalf of [Tyson Ambrosio](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 2:58:17 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Tyson Ambrosio

Against our second amendment

Dose not grandfather our existing mags

If you have any questions I can be reached at tysonambrosio@gmail.com

The above testinony was written and submitted by Tyson Ambrosio

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From: [Ninja Forms TxnMail](#) on behalf of [Gregory Ambrosio](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 2:59:43 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Gregory Ambrosio

Leave it alone it's strict as it is

If you have any questions I can be reached at gregoryeambrosio43@gmail.com

The above testimony was written and submitted by Gregory Ambrosio

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From: [Ninja Forms TxnMail](#) on behalf of [Sean galy](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 3:16:30 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Sean galy

Violates the Second Ammendment.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

fixes a problem that does not exist.

Allows law enforcement to check closed Family Court Records for firearms purchases

If you have any questions I can be reached at galy.sean@gmail.com

The above testinony was written and submitted by Sean galy

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From: [Ninja Forms TxnMail](#) on behalf of [Clinton Bodley](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 3:21:05 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Clinton Bodley

This is a solution to a problem that doesn't exist and is a waste of time during the current pandemic. Please focus your efforts where it will actually make a difference to the average resident.

If you have any questions I can be reached at hawaiianmantis@gmail.com

The above testinony was written and submitted by Clinton Bodley

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From: [Ninja Forms TxnMail](#) on behalf of [Marlino Guerpo](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 3:24:44 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Marlino Guerpo

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

fixes a problem that does not exist

Violates the Second Ammendment

If you have any questions I can be reached at guerpomarlino@gmail.com

The above testinony was written and submitted by Marlino Guerpo

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From: [Ninja Forms TxnMail](#) on behalf of [Ryan Rodrigues](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 3:34:01 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Ryan Rodrigues

I oppose this bill because I believe it is a violation of the second amendment and infringement.

Trying to fix a problem that doesn't exist with this bill.

If you have any questions I can be reached at Alakai.me.Lokomaikai@gmail.com

The above testinony was written and submitted by Ryan Rodrigues

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From: [Ninja Forms TxnMail](#) on behalf of [William Miller](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 3:50:14 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is William Miller

Violates the Second Amendment.

reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

If you have any questions I can be reached at william.miller2010@gmail.com

The above testimony was written and submitted by William Miller

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From: [Ninja Forms TxnMail](#) on behalf of [Keith Nakanishi](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 3:52:04 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Keith Nakanishi

I oppose this bill are your are trying to fix a problem that does not exist. You are making
criminals out of law abiding citizens.

If you have any questions I can be reached at Keith_Nakanishi@yahoo.com

The above testinony was written and submitted by Keith Nakanishi

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From: [Ninja Forms TxnMail](#) on behalf of [Philip Raffler](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 4:29:33 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Philip Raffler

This bill as most anti-gun bills are a ineffective solution in search of a problem that does not exist, Hawaii already has some of the lowest firearm crime rates, this exists solely to further make it difficult for one to defend his/her family. The only Citizens that follow this are the ones who already follow the frankly antiquated and hilariously bad Hawaii gun laws to the letter, not the criminals this is supposedly aimed at.

If you have any questions I can be reached at philip.raffler@gmail.com

The above testimony was written and submitted by Philip Raffler

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From: [Ninja Forms TxnMail](#) on behalf of [Dale Miller](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 4:46:25 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Dale Miller

Right to bare arms shall not be infringed.

If you have any questions I can be reached at meelertime@yahoo.com

The above testinony was written and submitted by Dale Miller

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From: [Ninja Forms TxnMail](#) on behalf of [Jason DeRego](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 5:00:21 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Jason DeRego

I strongly appose this bill as I believe limiting the capacity of any gun magazine is a violation of our second amendment right. I also feel that will not hinder any criminal that chooses to use a firearm for illegal activity. I believe this bill will only punish law abiding citizens who legally purchased their Magazines and are compliant with our states/ countries laws. As a elected official you have the obligation to protect the rights of law abiding citizens such as myself and the thousands of legal gun owners of this state. This bill will do nothing to stop a criminal who does not choose to fallow the law or is considering breaking a law. But it will hinder me as a legal gun owner from enjoying the sport of shooting.

If you have any questions I can be reached at jderego77@gmail.com

The above testinony was written and submitted by Jason DeRego

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From: [Ninja Forms TxnMail](#) on behalf of [Jorge Gonzalez](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 5:05:55 PM

LATE

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Jorge Gonzalez

I oppose this bill. This really affects the law abiding gun owner in Hawaii. Criminals do not obey the law and will continue to acquire these magazines by stealing or the black market. This is an infringement of our 2nd amendment rights and there are active cases in the court system right now.

See this video for a demonstration showing a negligible difference when using different capacity magazines.

<https://youtu.be/MCSySuemiHU>

If you have any questions I can be reached at fury64@gmail.com

The above testimony was written and submitted by Jorge Gonzalez

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From: [Ninja Forms TxnMail](#) on behalf of [Louis Prescott II](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 5:09:18 PM



This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Louis Prescott II

I oppose HB1902 for the following reasons:

- 1) It DOES NOT ALLOW FOR GRANDFATHERING OF CURRENTLY OWNED MAGAZINES
- 2) The 9th Circuit lawsuit Duncan vs Becerra will be decided in the coming months.
- 3) Violates the Second Ammendment
- 4) Reduces the efficiency of the militia.
- 5) Takes lawfully owned property from law-abiding gun owners.
- 6) Criminalizes law-abiding gun owners.
- 7) Some firearms don't have low capacity magazines options.
- 8) Some magazines can not be modified.
- 9) Fixes a problem that does not exist.
- 10) Allows law enforcement to check closed Family Court Records for firearms purchases.

And finally, one last word... Quit infringing on our right to keep and bear arms, and everything else pertaining to the use of firearms, and let peaceable gun-owners abide without constant government overreach in effort to suppress our Constitutionally-protected rights under the Second Amendment.

If you have any questions I can be reached at louisprescott2@gmail.com

The above testinony was written and submitted by Louis Prescott II

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LATE

From: [Ninja Forms TxnMail](#) on behalf of [Nolan Suzuki](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 5:51:36 PM

This testimony is submitted in opposition to HB1902 for Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Nolan Suzuki

Hello and thank you for your time, I'm writing this testimony in regards to my opposition to HB1902.

One of the biggest reasons I oppose this proposal is the lack of any grandfathering in of magazines that people currently own. After working part time in a firearm shop, I've learned that some firearms do not have options for a under 10 round magazine when sold. The argument could be made that the magazines could be altered or modified but again some magazines are not able to be altered to comply with the 10 round requirement. Other than violation the 2nd amendment, this would make close to all lawfully abiding firearm owners criminals overnight.

Thank you for your time and consideration.

If you have any questions I can be reached at nolan.t.suzuki@gmail.com

The above testimony was written and submitted by Nolan Suzuki

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From: [Ninja Forms TxnMail](#) on behalf of [Kerri Ambrosio](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 6:31:13 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Kerri Ambrosio

Violates the Second Amendment.

reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

fixes a problem that does not exist

If you have any questions I can be reached at kerriambrosio2@gmail.com

The above testimony was written and submitted by Kerri Ambrosio

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From: [Ninja Forms TxnMail](#) on behalf of [Kaihe Tahara](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 6:45:40 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Kaihe Tahara

I am against the state's bill that will limit the effectiveness of my ability to protect myself and my family.

If you have any questions I can be reached at kaihe_t808@yahoo.com

The above testinony was written and submitted by Kaihe Tahara

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LATE

From: [Ninja Forms TxnMail](#) on behalf of [Jensen Rabe](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 7:00:29 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Jensen Rabe

I strongly oppose these bills. As a new firearms owner, I don't understand why there is a push to make it very difficult for law abiding firearms owners to enjoy their hobby and defend ourselves. It's common sense that criminals don't obey the law, so if laws are passed making stricter restrictions on firearm and ammunition ownership who do you think will abide by the laws.... law abiding citizens. So these law and restrictions you are trying to pass will only affect people who obey the law already. Not criminals who do not obey the law.

If you have any questions I can be reached at mr_rabe@yahoo.com

The above testimony was written and submitted by Jensen Rabe

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From: [Ninja Forms TxnMail](#) on behalf of [James Langston](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 7:20:13 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is James Langston

I oppose this bill and all others that infringe my constitutional right to bear arms.

You should be ashamed to even have this as a topic of discussion.

If you have any questions I can be reached at j.langston@me.com

The above testinony was written and submitted by James Langston

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From: [Ninja Forms TxnMail](#) on behalf of [Stacy Ambrosio](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 7:20:20 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Stacy Ambrosio

Violates the Second Amendment.

reduces the efficiency of the militia.

Takes lawfully owned property from law-abiding gun owners.

Criminalizes law-abiding gun owners.

Some firearms don't have low capacity magazines options.

Some magazines can not be modified.

fixes a problem that does not exist

If you have any questions I can be reached at stacy_ambrosio@icloud.com

The above testimony was written and submitted by Stacy Ambrosio

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LATE

From: [Ninja Forms TxnMail](#) on behalf of [Erin Gonzalez](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 7:32:55 PM

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Erin Gonzalez

I oppose this bill. As a citizen of the United States, I have a fundamental Constitutional right to keep and bear common and dangerous arms whether it be for self-protection, common defense, hunting food, or check against tyranny. Constitutional rights stand through the test of time, holding fast through the ebb and flow of current controversy. Please don't be seduced by the media or what at the surface seems like an answer to a few deranged individuals.

Instead, I urge you to look at the data/facts, understand the root cause of an issue, and, before introducing new legislation, analyze the impact to our RIGHTS. I'm counting on you to preserve our liberties - please do not turn us into a Socialist nation and choke us through more laws that give the semblance of a solution. We don't need to look too far back in history to find that confiscation of arms or turning law-abiding citizens into criminals overnight is often a preview to oppression. Less government please? I'm counting on you!

If you have any questions I can be reached at purpleparty95@gmail.com

The above testinony was written and submitted by Erin Gonzalez

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From: [Ninja Forms TxnMail](#) on behalf of [Kevin Louis](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 8:25:59 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Kevin Louis

I strongly oppose HB1902, for in is a direct infringement of the second amendment. With that said I'm concerned that our legislators who swore an oath to uphold the Constitution might of forgot what there most sacred job is. I pray that you the (legislators) come to your senses and throw out this anti-American bill. Thank you.

If you have any questions I can be reached at kawailehua25@yahoo.com

The above testinony was written and submitted by Kevin Louis

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From: [Ninja Forms TxnMail](#) on behalf of [Jason Stanwood](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 8:32:11 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION: State Capitol
415 South Beretania St

My name is Jason Stanwood

This is tyrannical, unconstitutional overreach and should not be passed. This will only hurt law
abiding citizens.

If you have any questions I can be reached at jasonstanwood@hotmail.com

The above testimony was written and submitted by Jason Stanwood

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From: [Ninja Forms TxnMail](#) on behalf of [Kevin Rooney](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 9:58:49 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Kevin Rooney

This bill is unconstitutional.

If you have any questions I can be reached at haolekev@gmail.com

The above testinony was written and submitted by Kevin Rooney

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From: [Ninja Forms TxnMail](#) on behalf of [Robert Okuda](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 10:08:39 PM

LATE

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Robert Okuda

I respectfully oppose this bill that criminalizes myself and other law abiding gun owners. This type of law violates the Second Amendment.

If you have any questions I can be reached at robokuda002@gmail.com

The above testinony was written and submitted by Robert Okuda

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From: [Ninja Forms TxnMail](#) on behalf of [Alan Miller](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 10:10:49 PM

LATE

This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCATION State Capitol
415 South Beretania St

My name is Alan Miller

I oppose this bill and I hope you will not pass it.

This bill violates our second amendment rights to effectively defend ourselves. There is already a restriction on handgun magazine capacity and handguns are the most often used guns in crimes. This limitation will make it harder to defend against multiple attackers by limiting law abiding citizens capacity in lawfully owned long guns for defense.

Magazines above 10 round capacity are standard in many firearms. It will also be costly for law abiding citizens to buy new magazines or convert old magazines to be less than 10 rounds (not all magazines can even be converted).

Last this law would cause law abiding citizens to lose personal property that are quite pricy for some firearms.

If you have any questions I can be reached at mill8316@gmail.com

The above testimony was written and submitted by Alan Miller

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From: [Ninja Forms TxnMail](#) on behalf of [Thomas Reed](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 10:42:57 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Thomas Reed

The reality is this effort is a waste of time, and therefore taxpayer money. Violent crime decreased again for the year, continuing a trend since the 1990's. Of all the violent crimes, rifles were involved in only 2% of the offences. This is less than knives (5%29, clubs or blunt objects (4%29 and fists, hand and feet (3%29. Until you sort out these other clearly more dangerous tools, there is little to be gained by illegally infringing on existing property rights, the Second Amendment and our right to privacy. You have the COVID debacle to sort out. Please get back to work on that. Please recall you are public servants. You need to work on what is important to US, not to you.

If you have any questions I can be reached at reed@oicinc.com

The above testinony was written and submitted by Thomas Reed

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From: [Ninja Forms TxnMail](#) on behalf of [Daniel Yoro](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 10:48:46 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Daniel Yoro

Dear Mr. / Mrs. Official,

I am writing you asking that you oppose any and new gun restriction proposals. Support, stand and protect the 2nd amendment rights of the people, not infringe and restrict. Rights that weren't given by you and should not be restricted by you. Hawai'i has and already is one of the most strictest states in the nation regarding gun laws and ownership. Passing any more will not make any change, but turn many law abiding citizens into criminals. You'll have thousands overnight. Laws will not stop the acts of a madman. Assault is an action, it could be done with bats, sticks, knives, hammers, vehicles and even empty handed, I don't see you go after those. Inanimate objects are harmless without the intentions behind it. On the flip side they can be used for good. Tools to build, fix and repair, sport, family time and protection. Please oppose ANY gun control measures, they will not stop shootings, they will only harm law abiding citizens as myself.

Sincerely,
Daniel Yoro Sr.

If you have any questions I can be reached at bibinkarules@yahoo.com

The above testinony was written and submited by Daniel Yoro

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From: [Ninja Forms TxnMail](#) on behalf of [Emma Lei](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 11:19:38 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Emma Lei

This bill makes people not want to seek any kind of mental help. My niece had sleeping issues in high school and it made her emotional and unstable. Her parents did not seek a doctor for a diagnosis or help because of the fear that the government would use this against her 2nd amendment RIGHT. They were able to solve the problem by seeking the help of friends who were doctors and doing their own research. You will create an environment where people will not seek medical help for fear of the government having access to their records and making assumptions on medical issues that in no way make them unfit to own a gun. Furthermore you are still criminalizing LAW ABIDING GUN OWNERS! it's the criminals that have guns illegally that are the problem. Why do you people continue to ignore that! Why don't we outlaw liquor since drunk driving kills people?

If you have any questions I can be reached at nutterbutterwafer@hotmail.com

The above testinony was written and submitted by Emma Lei

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From: [Ninja Forms TxnMail](#) on behalf of [Kyle K](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Wednesday, June 24, 2020 11:28:11 PM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Kyle K

This bill makes people not want to seek any kind of mental help. You will create an environment where people will not seek medical help for fear of the government having access to their records and making assumptions on medical issues that in no way make them unfit to own a gun. Furthermore you are still criminalizing LAW ABIDING GUN OWNERS! it's the criminals that have guns illegally that are the problem. Why do you people continue to ignore that!

If you have any questions I can be reached at Kamauohak001@hawaii.rr.com

The above testinony was written and submitted by Kyle K

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From: [Ninja Forms TxnMail](#) on behalf of [Kamalu Miller](#)
To: [JDC Testimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Thursday, June 25, 2020 12:40:19 AM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Kamalu Miller

I oppose this bill as it further violates our 2nd Amendment.

If you have any questions I can be reached at kamalu.miller@gmail.com

The above testinony was written and submitted by Kamalu Miller

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From: [Ninja Forms TxnMail](#) on behalf of [Danny Narvaza](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Thursday, June 25, 2020 6:07:32 AM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Danny Narvaza

I oppose bill HB1902 JDC, this violates 2nd amendment and criminalizes law-abiding gun owners.

If you have any questions I can be reached at Danny.narvaza@gmail.com

The above testinony was written and submitted by Danny Narvaza

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From: [Ninja Forms TxnMail](#) on behalf of [Sean Lee](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Thursday, June 25, 2020 6:49:36 AM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Sean Lee

I oppose it violate my rights as a law abiding citizens who only uses a firearm for recreational
and to protect my family at home

If you have any questions I can be reached at creatureboy808@yahoo.com

The above testinony was written and submitted by Sean Lee

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From: [Ninja Forms TxnMail](#) on behalf of [Dallas Silva](#)
To: [JDCTestimony](#)
Subject: JDC Testimony in opposition to HB1902
Date: Thursday, June 25, 2020 8:28:10 AM



This testimony is submitted in opposition to HB1902 for
Senate Committee on Judiciary.

Sen Karl Rhoads, Chair

Sen Jarrett Keohokalole, Vice Chair

DATE: Thursday, June 25, 2020

TIME: 10:00 AM

LOCAITON State Capitol
415 South Beretania St

My name is Dallas Silva

This deeply violates the rights given to The people by the second amendment, as well takes
away legally owned property from law abiding citizens.

If you have any questions I can be reached at DSilva2089@gmail.com

The above testinony was written and submitted by Dallas Silva

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