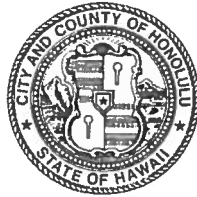


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE DN-DNK

February 6, 2020

The Honorable Gregg Takayama, Chair
and Members
Committee on Public Safety, Veterans, and
Military Affairs
The Honorable Chris Lee, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol, Room 325
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Takayama and Lee and Members:

SUBJECT: House Bill No. 2709, Relating to the Uniform Probate Code

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

The HPD has concerns regarding House Bill No. 2709, Relating to the Uniform Probate Code.

This bill requires the police department to certify that all firearms in an estate are properly transferred or disposed of before the estate may close. The HPD is only able to account for firearms that have been registered and for any additional firearms that the estate reports. The HPD is not able to track unregistered firearms that may or may not be reported by the estate. As such, the HPD is not able to provide such certification.

Thank you for the opportunity to testify.

APPROVED:

A handwritten signature in cursive script that reads "Susan Ballard".

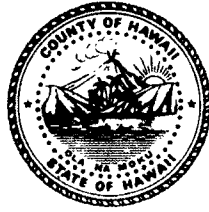
Susan Ballard
Chief of Police

Sincerely,

A handwritten signature in cursive script that reads "David P. Nilsen".

David P. Nilsen, Major
Records and Identification Division

Harry Kim
Mayor



Roy Takemoto
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i Office of the Mayor

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February 4, 2020

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

Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair
Committee on Judiciary
Hawai'i State Legislature

Dear Chairs Takayama and Lee, Vice-Chairs Gates and San Buenaventura, and Committee members:

RE: HB 2710 Relating to Protective Orders
HB 2232 Relating to Firearms
HB 2709 Relating to the Uniform Probate Code
HB 1600 Relating to Firearms
HB 1902 Relating to Firearms

The First Amendment to the Constitution of the United States provides for freedom of religion, speech, and press; and the right to peaceably assemble and to petition the government. Yet, as fundamental and sacrosanct as those values are to America, few if any would argue that those freedoms are not subject to reasonable restrictions (take the cliché of “yelling ‘Fire’ in a crowded theater”).

Similarly, the Second Amendment guarantees the right to keep and bear arms. This right, too, must be subject to reasonable restrictions, or else we would each be able to have our own machine gun mounted on our mantelpiece or strapped over our shoulders.

So the question comes down to what is reasonable. That should be determined by a free people acting through their elected representatives, in this case our State Legislature. And given the times in which we live, and the carnage that we have witnessed both in our own state and across the country, I thank you for taking on the divisive but crucial task of deciding what reasonable restrictions might be.

You have five bills on this agenda that impact the right to keep and bear arms:

HB 2710 Relating to Protective Orders
HB 2232 Relating to Firearms
HB 2709 Relating to the Uniform Probate Code
HB 1600 Relating to Firearms
HB 1902 Relating to Firearms

February 4, 2020

Page 2

HB 2710 allows for a search and seizure of a firearm if an officer believes certain actions are “imminent.” I defer to criminal law experts as to whether that is the appropriate standard, but if it is, it seems that any weapon should be seized, not just a firearm. This bill could be less gun legislation and more generally protective of victim rights but in either case is a positive step forward.

HB 2232 is an admirable effort to come closer to the goal that both sides of the gun issue agree on—keeping weapons out of the hands of people who shouldn’t have them, Whether problems were manifest during childhood or adulthood should not matter.

HB 2709 would close a loophole in ownership laws by requiring that all firearms in an estate are properly transferred or disposed of before the estate may close.


HB 1600 also closes a loophole, with respect to the loaning of a firearm to a person who has not had a background check. This particular bill would seem to impact situations in which a loan would be reasonable, such as taking a visiting friend hunting, so I wonder whether exceptions could be made to allow the loaning of a firearm while the owner is present, or for a visitor to undergo a background check in their home jurisdiction; or in Hawaii, remotely, in advance of their visit. Don’t know whether this last idea is practical.

HB 1902 would prohibit large capacity magazines for all firearms. They are already restricted for pistols, and HB 1902 might be the most important bill before you today, given the data on mass shootings that is set forth in the preamble of this bill.

Can any of the restrictions contained in the five bills be considered unreasonable? I have no doubt that some will say yes, but except for the accommodation asked for in my comments on HB 1600, I would argue that all of these bills would make Hawaii a safer place without unduly restricting the right to keep and bear arms.

Again, thank you for taking on these issues.

Respectfully Submitted,


Harry Kim
MAYOR

NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

February 5, 2020

The Honorable Chris Lee
Chairman, House Judiciary Committee
Hawaii State Capitol, Room 443
Honolulu, Hawaii 96813

Dear Chairman Lee:

On behalf our members in Hawaii, I would like to communicate our opposition to the following bills:

House Bill 2232 contains vague language and definitions that could lead to the denial of permits for absurd reasons such as childhood bedwetting or sexual dysfunction. Furthermore, it is a violation of privacy with no perceived public safety benefit

House Bill 2709 imposes additional red tape regarding the closure of estates that include firearms. This insensitive legislation places a further burden on loved ones during their time of loss.

House Bill 1600 subjects law-abiding citizens to an absurd amount of bureaucratic red tape just to loan someone a firearm for as little as twelve hours.

House Bill 1902 bans common, standard equipment while offering no public safety benefit. Research and historical precedent have repeatedly shown that magazine capacity bans have no effect on crime rates or mortality rates in shootings.

House Bill 2232 fails to provide adequate justification for the severe and potentially indefinite violation of Fourth Amendment rights it proposes.

I urge the committee to uphold the rights of their constituents and join us in opposition to these bills.

Sincerely,

Daniel Reid
Hawaii State Director

NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

NRA-ILA

HB-2709

Submitted on: 2/5/2020 11:22:31 AM

Testimony for PVM on 2/6/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
brooks	Hawaii Rifle Association Member	Oppose	No

Comments:

HB-2709

Submitted on: 2/5/2020 8:08:52 AM

Testimony for PVM on 2/6/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brandon Allen Kainoa Leong	Hawaii Rifle Association Board Member	Oppose	No

Comments:

I oppose HB2709.

Brandon Leong

Hawaii Rifle Association Board Member

Lessons In Firearms Education Board Member

Certified NRA Firearms Instructor

HB-2709

Submitted on: 2/5/2020 6:52:39 AM

Testimony for PVM on 2/6/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kainoa Kaku	Hawaii Rifle Association	Oppose	Yes

Comments:

Another ineffective bill that solves nothing while putting an additional strain on families already dealing with the loss of a loved one.

LATE

HB-2709

Submitted on: 2/5/2020 8:17:33 PM

Testimony for PVM on 2/6/2020 2:15:00 PM

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

Comments:

Re: HB2709

To whom it may concern:

This bill is poorly worded and would impose unnecessary burdens on an already grieving family.

Please oppose this bill.

Thank you.

Bill Richter, President

Lessons in Firearms Education

HB-2709

Submitted on: 2/4/2020 10:54:49 AM

Testimony for PVM on 2/6/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Isaacson	Individual	Support	No

Comments:

Delineating the responsibilities of executors or estate representatives to inform the police of firearms in estate seems like a good idea.

HB-2709

Submitted on: 2/4/2020 4:31:20 PM

Testimony for PVM on 2/6/2020 2:15:00 PM

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

Comments:

So in addition to dealing with the sadness and death of a loved one, you must punish the survivor because the decedent is a law abiding free citizen that exercised their free civil RIGHTS?

NO, Oppose.

I am writing this testimony in opposition of ALL THESE ANTI GUN BILLS.

The ONLY thing this law will do is turn hundreds of thousands of LEGAL gun owners into defacto criminals overnight. and is a violation of the 2nd Amendment!

I took an oath, similar to the oath you take, you all need to follow that oath.

"I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii, and that I will faithfully discharge my duties as to the best of my ability."

I take my promise and oath VERY SERIOUSLY, if you have any integrity left, you will OPPOSE this legislation.

Very serious VOTER

Brendon Heal

HB-2709

Submitted on: 2/4/2020 1:01:27 PM

Testimony for PVM on 2/6/2020 2:15:00 PM

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

Comments:

The deaths of 2 officers is very sad. But to make a law from a situation that has never happened before is the states attempt to further create any kind of gun laws that they can think of.

Read the key words in the bill. They "allege" that the guns were from a dead owner. There is no proof who's guns they were. So this bill is just jumping to conclusions.

What if the dead persons next of kin doesn't know that guns are owned? How will this make the situation even harder for them to settle due to the death of a family member? Even if the guns are known, what if the next of kin are not familiar with Hawaii's gun laws on transporting firearms to HPD? They may stop to pick someone up along the way to the station, stop to grab a coffee, drop someone off, they may not put a lock on a firearm case and pass within 1000 feet of a school zone. Now this person who just lost a family member is now a criminal for violating any of the examples provided above.

The big question is even if the guns used were registered, would this have affected how the officers responded? Do criminals have registered firearms when having an interaction with HPD? The answer is no. So this law would not have changed anything.

HB-2709

Submitted on: 2/4/2020 7:25:33 PM

Testimony for PVM on 2/6/2020 2:15:00 PM

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

Comments:

Violation of the 2nd Ammendment. This is also Invasion of privacy!!

HB-2709

Submitted on: 2/4/2020 7:34:05 PM

Testimony for PVM on 2/6/2020 2:15:00 PM

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

Comments:

Please oppose HB2709. This amounts to unnecessary meddling in deceased's estate affairs. Hawaii's existing laws already provide for firearms transfer process. This only adds more red tape and bureaucracy to an already-difficult experience for survivors of deceased, widows. Very insensitive to bereaved persons' feelings.

HB-2709

Submitted on: 2/4/2020 10:17:13 PM

Testimony for PVM on 2/6/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Namiki Roberts	Individual	Oppose	No

Comments:

All Firearms in an estate are required to be surrendered to a gun store or police department, The new oner then has to go through the background check process to get them back.

This is how the law is already written and how it has worked for decades. This is yet another bill that is looking for a problem that does not exist.

HB-2709

Submitted on: 2/4/2020 11:38:31 PM

Testimony for PVM on 2/6/2020 2:15:00 PM

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

Comments:

HB-2709

Submitted on: 2/5/2020 2:20:58 AM

Testimony for PVM on 2/6/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bradd Haituka	Individual	Oppose	No

Comments:

Oppose this pointless bill, there is already a law in place that addresses this issue.

HB-2709

Submitted on: 2/5/2020 8:03:20 AM

Testimony for PVM on 2/6/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
steven a kumasaka	Individual	Oppose	Yes

Comments:

firearms dept at HPD overworked as it is

knee-jerk reaction to an extremely rare case

will hold up closing of estate in many cases because of permitting retrictions/paperwork

HB-2709

Submitted on: 2/5/2020 8:43:43 AM

Testimony for PVM on 2/6/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
George Pace	Individual	Oppose	No

Comments:

Please, leave us alone. The god-given natural right to keep and bear arms doesn't come with an asterisk stating that “except for whenever and wherever the statist goons decide they really want to control your private property”. Get off it.

The claim that this is a “public safety” issue is absurd. You gonna make a law for every instance regarding the circumstance of particular one-off crimes? You'll need year round sessions and won't be able to conduct any other of your private citizen tax dollar wasting missions.

So absurd. Again.

HB-2709

Submitted on: 2/5/2020 8:55:55 AM

Testimony for PVM on 2/6/2020 2:15:00 PM

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

Comments:

This bill makes an unknowing spouse or family member guilty for a crime when they may have not be aware of firearms in the house hold. The biggest issue is "shall" on line 8. Personally when I lived with my mother she was not aware I had a firearm in the house, because I never brought it out around her. So in that situation she did not know there were any firearms and in turn would then be guilty under this bill for not reporting. One can not report what they are unaware of.

The intent is good, but criminalizing someone else is not effective. It seems this bill will require much brain storming and work with the language if it is to be effective.

HB-2709

Submitted on: 2/5/2020 10:23:19 AM

Testimony for PVM on 2/6/2020 2:15:00 PM

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

Comments:

I support this bill as common sense gun reform to help make our community safer. Persons who are responsible for an estate that includes firearms should be required to give notice to the police department so that all appropriate measures can be taken to account for and safeguard those firearms. Often, family members or other personal representatives have no knowledge of the proper means of securing firearms and ammunition, and the result may be to leave these weapons in places where they can do great harm. This will also help our police keep account for when weapons are transferred to others, to assure that anyone who acquires the firearms will have proper permits and training for them, as well as appropriate background checks.

HB-2709

Submitted on: 2/5/2020 11:52:54 AM

Testimony for PVM on 2/6/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Craig Kashiwai	Individual	Oppose	No

Comments:

This bill is too vague. It needs to apply only to individuals who have a TRO against them.

HB-2709

Submitted on: 2/5/2020 12:08:12 PM

Testimony for PVM on 2/6/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carol Thomas	Individual	Oppose	No

Comments:

HB-2709

Submitted on: 2/5/2020 1:02:57 PM

Testimony for PVM on 2/6/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Masuda	Individual	Oppose	No

Comments:

This bill is insensitive to the next of kin and creates a legal burden under threat of criminal prosecution upon family members at the time of loss of a loved one.

HB-2709

Submitted on: 2/5/2020 5:14:04 PM

Testimony for PVM on 2/6/2020 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tish Rothwell	Individual	Oppose	No

Comments: