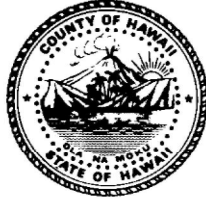


Mitchell D. Roth
Mayor



Paul K. Ferreira
Police Chief

Kenneth Bugado, Jr.
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998
(808) 935-3311 • Fax (808) 961-8865

February 24, 2021

Representative Sylvia Luke
Chairperson and Committee Members
Committee on Finance
415 South Beretania Street, Room 308
Honolulu, Hawai`i 96813

RE : HOUSE BILL 1366, HD 1, RELATING TO FIREARMS
HEARING DATE : FEBRUARY 25, 2021
TIME : 11:00 A.M.

Dear Representative Luke:

The Hawai`i Police Department **strongly supports** House Bill 1366, HD 1, with its purpose to amend the Class C felony offense of manufacturing, purchasing, or obtaining firearm parts to assemble a firearm having no serial number to also prohibit possession of those firearm parts; also to amend Act 74, Session Laws of Hawai`i 2020, to repeal language that specified the prospective application of that Act.

We here in Hawai`i have been a lot safer than certain other locations in the United States in terms of gun violence. This safety factor is not one of happenstance, but rather a result of working very hard on both laws and the enforcement of laws to keep firearms out of the hands of those who are by law disqualified from their possession. We are in agreement that these amendments will strengthen Act 74, Session Laws of Hawai`i 2020 which was passed to ensure that Hawai`i continues to address the concerns of law enforcement and the community as it relates to firearms.

It is for these reasons, we urge this committee to approve this legislation. Thank you for allowing the Hawai`i Police Department to provide comments relating to House Bill 1366, HD 1.

Sincerely,

PAUL K. FERREIRA
POLICE CHIEF

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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



RICK BLANGIARDI
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
AARON TAKASAKI-YOUNG
DEPUTY CHIEFS

OUR REFERENCE **BY-DNK**

February 25, 2021

**The Honorable Sylvia Luke, Chair
and Members
Committee on Finance
House of Representatives
Hawaii State Capitol, Room 308
415 South Beretania Street
Honolulu, Hawaii 96813**

Dear Chair Luke and Members:

SUBJECT: House Bill No. 1366, H.D. 1, Relating to Firearms

I am Brandon Yamamoto, Captain of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 1366, H.D. 1, Relating to Firearms.

The HPD supports the bill as it strengthens the language of the "ghost gun" law passed in the previous legislative session. However, the HPD opposes any changing of the law that would make possession prior to the law's effective date legal.

Thank you for the opportunity to testify.

APPROVED:

Handwritten signature of Susan Ballard in black ink.

**Susan Ballard
Chief of Police**

Sincerely,

Handwritten signature of Brandon Yamamoto in black ink.

**Brandon Yamamoto, Captain
Records and Identification Division**



LATE

Rep. Sylvia Luke, Chair

Rep. Ty J.K. Cullen, Vice Chair

House Committee on Finance

State Capitol, Video Conference

Honolulu, Hawaii 96813

HEARING: Thursday, February 25, 2021, at 11:00AM

RE: HB1366 Firearms; Ghost Guns; Parts; Possession; Prohibition

Aloha Members of the House Committee,

The Hawaii Firearms Coalition OPPOSES HB1366.

The Hawaii Firearms Coalition opposes this bill that seeks to turn the owners of homemade firearms into felons overnight.

HIFICO opposes this bill:

1. **THE RIGHT TO MANUFACTURE FIREARMS:** There is no such thing as a ghost gun. Individuals have always had the right to make their own firearms for their own use. This bill further expands the ability of the State to deny lawful citizens a legal path to manufacture and register their own firearms for their personal use. Even worse, it makes this right into a crime whose penalty is severe enough that it would lead to the loss of all rights to own any firearm.
2. **GUN CONFISCATION:** This bill would make legally owned property illegal with the stroke of a pen and force gun owners to surrender or destroy their property. Changing the date of this unconstitutional bill's enforcement does not mitigate its illegality.
3. **MISPLACED PRIORITIES:** With the State facing an unprecedented financial calamity due to the lockdown of local businesses, travel restrictions that has decimated the tourist industry, the legislature should be solely focused on aiding those impacted by this disaster.

Please vote no on this deeply flawed proposed legislation..

For these reasons the Hawaii Firearms Coalition Opposes HB1366. Thank you for your consideration.

Mahalo

Jon Webster Abbott

Director, Hawaii Firearms Coalition

PH. (808) 292-5180

Email: jonwebsterabbott@yahoo.com

HB-1366-HD-1

Submitted on: 2/23/2021 10:46:58 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Maui Police Department	Support	No

Comments:

This measure will hopefully strengthen the "ghost gun" law currently on the books.

HB-1366-HD-1

Submitted on: 2/23/2021 12:56:48 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

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

Comments:

I support HB 1366. All Ghost Guns should be prohibited, retroactively to assure they do not cause harm in our community.

“Ghost guns” are assembled from firearm components to create a new firearm that has no registration, serial number, or permit. Having no serial number, those firearms evade the permit and registration process, thus providing no protection for the public as to who can acquire such guns.

Moreover, plastic guns are particularly dangerous because they cannot be detected by many existing security screening devices, thereby endangering us all when plastic firearms are brought onto airplanes and other places where firearms are prohibited.

We should extend our Ghost Gun ban to include all Ghost Guns in Hawaii that pre-existed the effective date of our 2020 Ghost Gun ban.

HB-1366-HD-1

Submitted on: 2/23/2021 1:04:52 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Matayoshi	Individual	Support	No

Comments:

I support HB 1366. All Ghost Guns should be prohibited, retroactively to assure they do not cause harm in our community. "Ghost guns" are assembled from firearm components to create a new firearm that has no registration, serial number, or permit. Having no serial number, those firearms evade the permit and registration process, thus providing no protection for the public as to who can acquire such guns. Moreover, plastic guns are particularly dangerous because they cannot be detected by many existing security screening devices, thereby endangering us all when plastic firearms are brought onto airplanes and other places where firearms are prohibited. We should extend our Ghost Gun ban to include all Ghost Guns in Hawaii that pre-existed the effective date of our 2020 Ghost Gun ban.

Additionally, think small ... not big. Big gun lobbies are pouring \$ for their own needs. Think small. If you do not pass this bill, the next ghost gun killing will be an innocent citizen, like you and me. Don't let this happen. Support this bill.

HB-1366-HD-1

Submitted on: 2/23/2021 1:20:31 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Pcola_Davis	Individual	Support	No

Comments:

I fully support this bill. It is not uncommon for ANY firearm bill to be opposed by so many as seen in the written testimonies. Regardless of the numbers opposed, we need to pass this bill. Safety is of utmost importance.

I have found when our police departments speak up about legislative issues, there is something there.

However this bill and amendment are necessary to close a loophole.

Parts acquired prior to September 15, 2020, are not violating the the current law. How this got in there in the first place, must've been a mistake or missed

Anything without a serial number is suspect.

Good catch on the loophole for our police department.

"The legislature notes that Act 74, Session Laws of Hawaii 2020, established, among other things, the class C felony offense of manufacturing, purchasing, or obtaining firearm parts to assemble a firearm having no serial number. This offense is now codified in section 134-10.2, Hawaii Revised Statutes. However, according to law enforcement agencies, persons found to be in possession of firearms having no serial number, which are also known as "ghost guns" because they are untraceable, claim that their actions do not violate the law because the parts used to assemble the firearm were acquired before the September 15, 2020, effective date of section 134â€‘10.2, Hawaii Revised Statutes."

HB-1366-HD-1

Submitted on: 2/23/2021 1:43:13 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Silbiger	Individual	Support	No

Comments:

I support HB 1366. All Ghost Guns should be prohibited, retroactively to assure they do not cause harm in our community. "Ghost guns" are assembled from firearm components to create a new firearm that has no registration, serial number, or permit. Having no serial number, those firearms evade the permit and registration process, thus providing no protection for the public as to who can acquire such guns. Moreover, plastic guns are particularly dangerous because they cannot be detected by many existing security screening devices, thereby endangering us all when plastic firearms are brought onto airplanes and other places where firearms are prohibited. We should extend our Ghost Gun ban to include all Ghost Guns in Hawaii that pre-existed the effective date of our 2020 Ghost Gun ban.

Thank you,

Jenny Silbiger

HB-1366-HD-1

Submitted on: 2/23/2021 2:50:33 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sue Hornik	Individual	Support	No

Comments:

I strongly support passage of HB1366 HD1. I was grateful last year when the legislature banned production of untraceable Ghost Guns, since they were increasingly being used for crimes.

Now is a good time to finish the job and ban all Ghost Guns, even those in existence before the ban went into effect. Since plastic guns can't be detected by many existing security screening devices, they continue to endanger us all.

HB-1366-HD-1

Submitted on: 2/23/2021 4:05:16 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

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

Comments:

The Ghost gun prohibition must be applied retroactively. They are extremely harmful to the safety of our community. They have no serial numbers and cannot be detected by airport and other metal scanners. They are not needed for self defense purposes. please support HB1366

thank you

Deborah Nehmad

HB-1366-HD-1

Submitted on: 2/23/2021 4:06:17 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

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

Comments:

I support HB 1366. All Ghost Guns should be prohibited, retroactively to assure they do not cause harm in our community. "Ghost guns" are assembled from firearm components to create a new firearm that has no registration, serial number, or permit. Having no serial number, those firearms evade the permit and registration process, thus providing no protection for the public as to who can acquire such guns. Moreover, plastic guns are particularly dangerous because they cannot be detected by many existing security screening devices, thereby endangering us all when plastic firearms are brought onto airplanes and other places where firearms are prohibited. We should extend our Ghost Gun ban to include all Ghost Guns in Hawaii that pre-existed the effective date of our 2020 Ghost Gun ban.

Mahalo

HB-1366-HD-1

Submitted on: 2/23/2021 4:12:01 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gaye Chan	Individual	Support	No

Comments:

I support HB 1366. All Ghost Guns should be prohibited. They are assembled from firearm components to create a new firearm that has no registration, serial number, or permit. Additionally plastic guns are particularly dangerous because they cannot be seen by metal detectors. We must extend our Ghost Gun ban to include all Ghost Guns in Hawaii that pre-existed the effective date of our 2020 Ghost Gun ban.

HB-1366-HD-1

Submitted on: 2/23/2021 5:45:23 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

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

Comments:

I am writing to OPPOSE HB 1366 HD1

Under existing HRS 134, an unfinished receiver is treated in Hawaii as a firearm. Thus, it is subject to the 5 day registration requirement if brought into the state. Likewise any other parts that can be assembled into a complete firearm. So possession should not be an issue, as it should be readily established as fact if the unregistered, unfinished receiver has been possessed over 5 days, or if not, then the possessor simply follows HRS 134 to register within 5 days.

So I don't see any issue that requires this change, and there is no finding presented that unfinished receivers present any risk to the citizens nor law enforcement.

HB-1366-HD-1

Submitted on: 2/23/2021 6:09:59 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark K.Wilson III	Individual	Support	No

Comments:

I strongly support HB 1366 and urge you to support it as well. The passage of the 2020 Ghost Gun ban addressed the danger of creating 3D printable plastic guns with no registration, serial number, or permit; but it did not address the dangers of such guns that were already in existence. We need to extend our Ghost Gun ban to include such guns. Doing so is simply common sense.

HB-1366-HD-1

Submitted on: 2/23/2021 9:15:02 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

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

Comments:

Ghost Guns are like unregistered cars. We do not allow custom cars --built in our neighbors garage--to roam our streets with out registration. Why should we allow it for home manufactured guns?? Close the loophole. All guns, Ghost or not, need to be registered. They are weapons . The community needs to know where they are. We ask that registration from car owners, we should ask the same from gun owners. I support HB1336.

Mahalo.

Jun Look

registered voter

HB-1366-HD-1

Submitted on: 2/24/2021 7:15:53 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

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

Comments:

Our legislature banned Ghost Guns last year for many good reasons that should extend to all Ghost Guns (ie, no grand-fathering of ghost guns previously in existence). These firearms are not registered, background checks have not been performed, and many of them have plastic components that are not detectible at airports or other security checkpoints. They were created, in most instances, as a deliberate evasion of background and permitting laws, by persons who could not legally access firearms. Let's protect our community from such illicit and dangerous firearms, by assuring our prohibition is retroactive.

Thank you for your consideration.

Ellen Godbey Carson

HB-1366-HD-1

Submitted on: 2/24/2021 8:24:30 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

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

Comments:

I support HB 1366. All Ghost Guns should be prohibited, retroactively to assure they do not cause harm in our community. "Ghost guns" are assembled from firearm components to create a new firearm that has no registration, serial number, or permit. Having no serial number, those firearms evade the permit and registration process, thus providing no protection for the public as to who can acquire such guns. Moreover, plastic guns are particularly dangerous because they cannot be detected by many existing security screening devices, thereby endangering us all when plastic firearms are brought onto airplanes and other places where firearms are prohibited. We should extend our Ghost Gun ban to include all Ghost Guns in Hawaii that pre-existed the effective date of our 2020 Ghost Gun ban.

HB-1366-HD-1

Submitted on: 2/24/2021 9:19:04 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Nelson	Individual	Support	No

Comments:

I fully support this bill. All ghost guns should be prohibited as they have no serial number, they evade permit and registration processes.

We have enough ready made guns already, we certainly do not need 3D made guns.

Thank you so much,

Elizabeth Nelson

Kaneohe

HB-1366-HD-1

Submitted on: 2/24/2021 9:55:30 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

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

Comments:

This bill will not stop criminals because they do not obey the law and technology is ever changing.

HB-1366-HD-1

Submitted on: 2/24/2021 10:10:20 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

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

Comments:

Aloha,

I support HB1366. Ghost guns present a clear and present danger to our community and should be prohibited retroactively as well as going forward. Ghost guns would make a mockery of all existing laws regarding the registration and ownership of deadly weapons.

Having no serial number, those firearms evade the permit and registration process, thus providing no protection for the public as to who can acquire such guns. Moreover, plastic guns are particularly dangerous because they cannot be detected by many existing security screening devices, thereby endangering us all when plastic firearms are brought onto airplanes and other places where firearms are prohibited. We should extend our Ghost Gun ban to include all Ghost Guns in Hawaii that pre-existed the effective date of our 2020 Ghost Gun ban.

Thank you for your consideration and mahalo for your service.

Richard Tillotson

House Committee on Finance
HEARING: Thursday, February 25, 2021 at 11am
RE: HB1366 RELATING FIREARMS

I OPPOSE HB1366

This bill may affect my possession of repair parts for my firearms. The Act 74 of 2020 originally banning the acquisition of "ghost guns" is vague and broad on exactly what parts are legal and what parts are not. I own many firearms and have repair parts on hand to fix them cause like anything mechanical, things break. I have not bought any more repair parts kits since Act 74 was enacted because they could be used to **build a rifle or fix a rifle**. This bill could potentially ban my repair parts kits I already own, but I don't know.

"a) A person who is not licensed to manufacture a firearm under section 134-31, or who is not a dealer licensed by the United States Department of Justice, shall not, **for the purpose of assembling a firearm, possess,** purchase, produce with a three-dimensional printer, or otherwise obtain separately, or as part of a kit:

(1) A firearm receiver that is not imprinted with a serial number registered with a federally licensed manufacturer;

(2) A firearm receiver that has not been provided a serial number that may be registered in accordance with section 134-3(c); or

(3) **Any combination of parts from which a firearm having no serial number may be readily assembled; provided that the parts do not have the capacity to function as a firearm unless assembled."**

If I intend to build a firearm in the future, the kit is banned. But if I intend to use the same kit to repair my current guns it's legal? I'm not sure. Does this kit have to be serialized and registered with the police?

I OPPOSE HB1366.

Todd Yukutake
Resident of HD 33
(808) 255-3066
toddyukutake@gmail.com

My rifle parts kit. Legal or not?



HB-1366-HD-1

Submitted on: 2/24/2021 11:00:08 AM

Testimony for FIN on 2/25/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Arakawa	Individual	Oppose	No

Comments:

I OPPOSE this bill. This would be a waste of scare funds to implement the necessary steps to enforce this law. HPD already cannot handle their current workload. Stop introducing bills to resolve non-existent problems!

LATE

HB-1366-HD-1

Submitted on: 2/24/2021 8:22:02 PM

Testimony for FIN on 2/25/2021 11:00:00 AM

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

Comments:

I oppose any bill that erodes a law abiding citizen's right to bear arms.