

**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-FIRST LEGISLATURE, 2021**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 891, H.D. 2, RELATING TO ELECTRIC GUNS.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Friday, March 19, 2021

**TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Via Videoconference

**TESTIFIER(S):** Clare E. Connors, Attorney General, or  
Amy Murakami, Deputy Attorney General

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) strongly supports this bill.

The purpose of this bill is to protect the health and safety of the public by regulating the sale and use of electric guns.

The constitutionality of Hawaii's electric gun ban has been drawn into question by the United States Supreme Court decision in Caetano v. Massachusetts, 136 S. Ct. 1027 (2016). A pending lawsuit in the United States District Court for the District of Hawaii, Roberts v. Ballard, 18-00125 HG-KSC, is seeking a declaratory judgment and injunction to invalidate Hawaii's electric gun ban. The passage of this bill is necessary to ensure public safety, because without it, if Hawaii's electric gun ban is invalidated by the courts, the purchase, possession, and use of electric guns by the public will not be regulated or controlled in any manner.

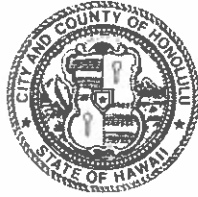
This bill repeals Hawaii's ban on electric guns and creates a regulatory scheme that restricts the use of electric guns to self-defense, defense of others, and protection of property. It requires sellers of any electric guns to be licensed, conduct a criminal background check of buyers, and to keep records of inventory and sales. It prohibits persons under the age of twenty-one from owning, possessing, or controlling electric guns. Additionally, it creates criminal offenses for the use or possession of electric guns in the commission of a misdemeanor or felony offense.

In a recent meeting, the Chiefs of Police of the City and County of Honolulu, County of Hawaii, County of Maui, and County of Kauai affirmed that they support this version of the bill.

The Department respectfully requests the passage of this bill.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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



RICK BLANCHARD  
MAYOR

SUSAN BALLARD  
CHIEF

JOHN D. McCARTHY  
AARON TAKASAKI-YOUNG  
DEPUTY CHIEFS

OUR REFERENCE DN-DNK

March 19, 2021

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

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 891, H.D. 2, Relating to Electric Guns

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. 891, H.D. 2, Relating to Electric Guns.

The HPD supports the changes to the bill which eliminate the permitting and registration requirements in obtaining an electric gun. The HPD would like to suggest that the effective date be no earlier than January 2022. This would allow the county police departments time to prepare the forms and procedures to license sellers of electric guns in their respective counties, as required in Sections 134-C and 134-D(g).

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

Handwritten signature of Susan Ballard in cursive script.

Susan Ballard  
Chief of Police

Handwritten signature of David Nilsen in cursive script.

David Nilsen, Major  
Records and Identification Division

THE SENATE  
THE THIRTY-FIRST LEGISLATURE  
REGULAR SESSION OF 2021

COMMITTEE ON JUDICIARY  
Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair

NOTICE OF HEARING

DATE: Friday, March 19, 2021  
TIME: 9:30 a.m.  
PLACE: Via Videoconference

**THE STATE CAPITOL IS CLOSED TO THE PUBLIC DURING THE ONGOING COVID-19 PANDEMIC**  
To comply with social distancing requirements, only written and videoconference testimony will be accepted. If you wish to testify via videoconference you must also submit written testimony.

A live stream of all Senate Standing Committee meetings will be available on the [Senate YouTube Channel](#).

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A G E N D A

<p><b><u>HB 490, HD2</u></b> <u>(HSCR900)</u> <u>Status &amp; Testimony</u></p>	<p>RELATING TO CRIMES AGAINST SENIORS. Lowers the age at which enhanced penalties apply for crimes against seniors from sixty-two years of age to sixty years of age. Makes commission of certain criminal offenses against a senior's person or property applicable if the perpetrator knows or reasonably should know the senior victim's age. Effective 7/1/3021. (HD2)</p>	<p>JDC</p>
<p><b><u>HB 566, HD1</u></b> <u>(HSCR764)</u> <u>Status &amp; Testimony</u></p>	<p>RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBERS. Adds coercive control between family or household members to the offense of abuse of family or household members as a petty misdemeanor. Effective 7/1/3021. (HD1)</p>	<p>JDC</p>
<p><b><u>HB 891, HD2</u></b> <u>(HSCR882)</u> <u>Status &amp; Testimony</u></p>	<p>RELATING TO ELECTRIC GUNS. Regulates the sale and use of electric guns and cartridges. Effective 7/1/3021. (HD2)</p>	<p>JDC</p>
<p><b><u>HB 895</u></b> <u>(HSCR772)</u> <u>Status &amp; Testimony</u></p>	<p>RELATING TO CREDIT FOR TIME OF DETENTION PRIOR TO SENTENCE. Clarifies that defendants may not earn credit on a sentence imposed for a subsequent conviction for time being served on a previous felony conviction</p>	<p>JDC</p>
<p><b><u>HB 1107, HD1</u></b> <u>(HSCR754)</u> <u>Status &amp; Testimony</u></p>	<p>RELATING TO COMPUTER CRIME. Adds aggravated harassment by stalking to the list of offenses upon which the offense of use of a computer in the commission of a separate crime may be based. Provides the court with the discretion to require the forfeiture of property used in computer crimes if the perpetrator was a minor, regardless of whether the minor owned the property. (HD1)</p>	<p>JDC</p>

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# A BILL FOR AN ACT

RELATING TO ELECTRIC GUNS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the United States  
2 Supreme Court decision in *Caetano v. Massachusetts*,  
3 136 S. Ct. 1027 (2016), which overruled a decision of the  
4 Massachusetts Supreme Judicial Court, has raised questions  
5 regarding the constitutionality of bans on electric guns, and  
6 may make amendments to Hawaii's law on electric guns advisable.

7           The purpose of this Act is to protect the health and safety  
8 of the public by regulating the sale and use of electric guns.

9           SECTION 2. Chapter 134, Hawaii Revised Statutes, is  
10 amended by adding a new part to be appropriately designated and  
11 to read as follows:

12                               **"PART . ELECTRIC GUNS**

13           **§134-A Definitions.** As used in this part:

14           "Cartridge" means any device or object that is designed to  
15 be used with an electric gun to project a missile. "Cartridge"  
16 includes but is not limited to a Taser cartridge.



1 extends to all offenses or is limited to a specific class of  
2 offenses.

3 "Licensee" means a person licensed to sell, offer to sell,  
4 distribute, or otherwise transfer electric guns and cartridges  
5 pursuant to section 134-C.

6 "Person" means an individual, firm, corporation,  
7 partnership, association, or any form of business or legal  
8 entity.

9 "Transfer" means the granting of possession or ownership to  
10 another. "Transfer" includes the granting of temporary  
11 possession to another.

12 **§134-B Restrictions on use, sale, offer for sale,**  
13 **distribution, and transfer of electric guns and cartridges. (a)**  
14 It shall be unlawful for any person to knowingly or recklessly  
15 use an electric gun for any purpose except:

- 16 (1) Self-defense;  
17 (2) Defense of another person; or  
18 (3) Protection of property of the person or of another  
19 person.

20 (b) Except as provided in section 134-E, it shall be  
21 unlawful for any person to knowingly sell, offer to sell,



1           **§134-C License to sell, offer to sell, distribute, or**  
2 **otherwise transfer electric guns or cartridges; fee.** (a) Any  
3 person desiring to sell, offer to sell, distribute, or otherwise  
4 transfer electric guns or cartridges to a person in the State,  
5 either at wholesale or retail, shall annually file an  
6 application for a license to do so with the county in which the  
7 person desires to conduct business or within the county to which  
8 the person intends the electric guns or cartridges to be sold,  
9 offered for sale, distributed, or otherwise transferred using  
10 forms prescribed by the county.

11           (b) If the applicant is an individual, the application and  
12 supporting documentation shall establish at least the following:

- 13           (1) The legal name, date of birth, and the last four  
14                 digits of the social security number of the  
15                 individual;
- 16           (2) The street address, telephone number, fax number, and  
17                 electronic mail address of the individual;
- 18           (3) The name and location of the principal place of  
19                 business of the individual and, if applicable, each  
20                 additional designated place of business from which the



- 1           (2) The street address, telephone number, fax number, and  
2           electronic mail address of the applying entity;
- 3           (3) The legal name, date of birth, and the last four  
4           digits of the social security number of each of the  
5           principal owners or members of the applying entity;
- 6           (4) The street address, telephone number, fax number, and  
7           electronic mail address of each of the principal  
8           owners or members of the applying entity;
- 9           (5) The name and location of the principal place of  
10          business of the applying entity and, if applicable,  
11          each additional designated place of business from  
12          which the applying entity desires to sell, offer to  
13          sell, distribute, or otherwise transfer electric guns  
14          or cartridges;
- 15          (6) That the applying entity is registered to do business  
16          in the State;
- 17          (7) That the applying entity is composed of principal  
18          owners or members who have had no convictions for any  
19          felony offense;
- 20          (8) The applying entity's Hawaii tax identification  
21          number;





1 unless sooner terminated. Application for renewal of license  
2 shall be filed on or before July 1 of each year.

3 **§134-D Sale, offer for sale, distribution, or transfer of**  
4 **electric guns or cartridges.** (a) A licensee shall post the  
5 license to sell, offer to sell, distribute, or otherwise  
6 transfer electric guns or cartridges, or a certified copy  
7 thereof, in a location readily visible to customers at each  
8 designated place of business. For internet sales by a licensee,  
9 the license number shall be prominently displayed and an  
10 electronic copy of the license shall be readily accessible to  
11 the customer.

12 (b) An individual licensee shall complete at least once  
13 every three years an electric gun safety or training course  
14 offered or approved by the county that focuses on:

- 15 (1) The safe use and handling of electric guns;  
16 (2) Current information about the effects, dangers, risks,  
17 and limitations of electric guns; and

18 (3) Education on the existing state laws on electric guns.  
19 A licensee shall keep copies of the certificates of completion  
20 of these training courses in the licensee's business records.



1 manufacturer's serial number or the unique identifying  
2 serial number engraved by the licensee, and, if  
3 available, the manufacturer and the model number.

4 (f) Before completing a sale, distribution, or other  
5 transfer of an electric gun, the licensee or an employee of the  
6 licensee shall conduct a criminal history background check of  
7 the recipient. At minimum, the criminal history background  
8 check shall be a name-based search of the adult criminal  
9 conviction records maintained by the Hawaii criminal justice  
10 data center. The licensee or employee of the licensee shall  
11 require the recipient to review a printed copy of the results of  
12 the background check. After the review, the recipient shall  
13 sign and date a declaration. The declaration shall be in the  
14 following form: "I, (name of recipient), declare under penalty  
15 of law that the attached document accurately reflects my adult  
16 criminal conviction history in Hawaii. I further declare that I  
17 do not have any convictions or charges pending against me that  
18 disqualify me from owning an electric gun. I further declare  
19 under penalty of law that I am not disqualified from owning an  
20 electric gun." The licensee or employee of the licensee shall  
21 witness the recipient sign the declaration and sign the



1 and the date of the briefing. The form of the certification,  
2 shall be as provided by the county office that issued the  
3 license to the licensee.

4 (i) A licensee shall keep a record of the information  
5 provided to recipients during the informational briefing.

6 (j) A licensee shall keep records of all sales,  
7 distributions, and other transactions of electric guns and  
8 cartridges sold in the State or to a recipient in the State,  
9 including:

- 10 (1) The recipient's name, date of birth, address, and  
11 telephone number;
- 12 (2) A copy of the recipient's government-issued  
13 identification card or document;
- 14 (3) The transaction record for the electric gun or  
15 cartridge, including the date of the transaction; a  
16 description of the electric gun or cartridge; if  
17 available, the name of the manufacturer and serial and  
18 model numbers; and, if necessary, the unique serial  
19 number engraved by the licensee;



1           (n) When displaying or storing electric guns or cartridges  
2 at a designated place of business, a licensee shall display or  
3 store the electric guns and cartridges in a locked cabinet or  
4 area not accessible to the general public.

5           (o) During normal business hours, a licensee shall allow  
6 the chief of police of the appropriate county or designee to  
7 physically inspect all electric guns and cartridges in the  
8 possession and control of the licensee wherever they may be  
9 located within the State.

10          (p) Any person, including any licensee, violating this  
11 section shall be guilty of a misdemeanor.

12          (q) A license may be suspended or revoked for a violation  
13 of any of the requirements of this section.

14          **§134-E Disposal of electric gun or cartridge.** A person  
15 who is not a licensee may sell or otherwise transfer an electric  
16 gun or cartridge to a licensee or the chief of police of the  
17 appropriate county or designee. The chief of police may either  
18 destroy the electric gun or cartridge or utilize the electric  
19 gun or cartridge for educational purposes. The chief of police  
20 shall maintain records of all surrendered electric guns and  
21 cartridges, including their disposition.



1 (4) Is under treatment for an organic brain syndrome;  
2 shall own, possess, or control an electric gun, unless the  
3 person has been medically documented to be no longer adversely  
4 affected by the addiction, abuse, dependence, syndrome, or  
5 mental disease, disorder, or defect.

6 (d) No person who is less than twenty-five years of age  
7 and has been adjudicated by the family court to have committed a  
8 felony, two or more crimes of violence, or an illegal sale of  
9 any drug shall own, possess, or control an electric gun.

10 (e) No person who is less than twenty-one years of age  
11 shall own, possess, or control an electric gun.

12 (f) No person shall possess an electric gun that is owned  
13 by another, regardless of whether the owner has consented to  
14 possession of the electric gun.

15 (g) No person who has been restrained pursuant to an order  
16 of any court, including an ex parte order as provided in this  
17 subsection, from contacting, threatening, or physically abusing  
18 any person or from possessing or owning a firearm, shall  
19 possess, control, or transfer ownership of an electric gun, so  
20 long as the protective order, restraining order, or any  
21 extension is in effect, unless the order, for good cause shown,



1 discovered pursuant to a consensual search, and those electric  
2 guns surrendered by the person restrained.

3 For the purposes of this subsection, "good cause" shall not  
4 be based solely upon the consideration that the person subject  
5 to restraint pursuant to an order of any court, including an ex  
6 parte order as provided for in this subsection, is required to  
7 possess or carry an electric gun during the course of the  
8 person's employment. "Good cause" may include but need not be  
9 limited to the protection and safety of the person to whom a  
10 restraining order is granted.

11 (h) Any person disqualified from ownership, possession,  
12 control, or the right to transfer ownership of an electric gun  
13 under this section shall surrender or dispose of all electric  
14 guns in compliance with section 134-E.

15 (i) For the purposes of enforcing this section, and  
16 notwithstanding section 571-84 or any other law to the contrary,  
17 any agency within the State shall make its records relating to  
18 family court adjudications available to law enforcement  
19 officials.

20 (j) Any person violating subsection (a) or (b) shall be  
21 guilty of a class C felony. Any person violating



1 manufacturer-certified or manufacturer-approved  
2 instructors in the use of electric guns before  
3 deployment of the electric guns and related equipment  
4 in public;

5 (2) Maintain records regarding every electric gun in its  
6 custody and control, including every instance of usage  
7 of the electric guns, in a similar manner as records  
8 are maintained for the discharge of firearms; and

9 (3) Report to the legislature on the information in, and  
10 maintenance of, these records no later than twenty  
11 days prior to the convening of each regular session.

12 (c) The licensing requirement of sections 134-B(b)  
13 and 134-C shall not apply to the sale of electric guns and  
14 cartridges by the electric gun manufacturers distributing  
15 directly to law enforcement agencies or the Army or Air National  
16 Guard.

17 **§134-H Storage of electric gun; responsibility with**  
18 **respect to minors.** (a) No person shall store or keep any  
19 electric gun on any premises under the person's control if the  
20 person knows or reasonably should know that a minor is likely to  
21 gain access to the electric gun, unless the person:



1 (c) Any person violating this section shall be guilty of a  
2 class C felony.

3 **§134-J Carrying or use of electric gun in the commission**  
4 **of a separate felony.** (a) It shall be unlawful for a person to  
5 knowingly carry on the person or have within the person's  
6 immediate control or intentionally use or threaten to use an  
7 electric gun, whether operable or not, while engaged in the  
8 commission of a separate felony; provided that a person shall  
9 not be prosecuted under this subsection when the separate felony  
10 is a felony defined by this chapter.

11 (b) A conviction and sentence under this section shall be  
12 in addition to and not in lieu of any conviction and sentence  
13 for the separate felony; provided that the sentence imposed  
14 under this section may run concurrently or consecutively with  
15 the sentence for the separate felony.

16 (c) Any person violating this section shall be guilty of a  
17 class B felony."

18 SECTION 3. Section 121-34.5, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "[~~§~~§121-34.5~~]~~ **Use of electric guns.** Members of the  
21 [~~army or air national guard~~] Army or Air National Guard who have





1           "(c) Any person who violates section 134-2, 134-4, 134-10,  
2 or 134-15[, ~~or 134-16(a)~~] shall be guilty of a misdemeanor. Any  
3 person who violates section 134-3(b) shall be guilty of a petty  
4 misdemeanor and the firearm shall be confiscated as contraband  
5 and disposed of, if the firearm is not registered within five  
6 days of the person receiving notice of the violation."

7           SECTION 6. Section 266-24, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9           "(a) The director of transportation shall enforce this  
10 chapter and all rules thereunder, except for the rules relative  
11 to the control and management of the beaches encumbered with  
12 easements in favor of the public and ocean waters, which shall  
13 be enforced by the department of land and natural resources.  
14 For the purpose of the enforcement of this chapter and of all  
15 rules adopted pursuant to this chapter, the powers of police  
16 officers are conferred upon the director of transportation and  
17 any officer, employee, or representative of the department of  
18 transportation. Without limiting the generality of the  
19 foregoing, the director and any person appointed by the director  
20 hereunder may serve and execute warrants, arrest offenders, and  
21 serve notices and orders. The director of transportation and



1 Any employee appointed as a law enforcement officer by the  
2 director of transportation pursuant to this section who has been  
3 qualified by training may use electric guns, as specifically  
4 provided in section [~~134-16,~~] 134-G, when exercising powers of  
5 police officers and carrying out the responsibilities described  
6 herein; provided that training for the purposes of this section  
7 means a course of instruction or training in the use of any  
8 electric gun that is provided, authorized, or approved by the  
9 manufacturer of the electric gun [~~prior to~~] before deployment of  
10 issuance of electric guns and related equipment.

11 For purposes of this subsection, [~~the term "agents and~~  
12 ~~representatives" includes~~] "agent" and "representative" include  
13 persons performing services at harbors or harbor areas under  
14 contract with the department of transportation."

15 SECTION 7. Section 463-10.5, Hawaii Revised Statutes, is  
16 amended by amending subsection (e) to read as follows:

17 "(e) Before beginning employment as a guard or in a guard  
18 capacity, in addition to the classroom instruction required by  
19 this section, guards and individuals acting in a guard capacity  
20 who carry a firearm or other weapon, including but not limited  
21 to an electric gun as defined in section [~~134-1,~~] 134-A, while



- 1       ~~(4) Members of the Army or Air National Guard when~~  
2           ~~assisting civil authorities in disaster relief,~~  
3           ~~emergency management, or law enforcement functions,~~  
4           ~~subject to the requirements of section 121-34.5,~~
- 5       ~~(5) Law enforcement officers appointed by the director of~~  
6           ~~transportation pursuant to section 266-24, and~~
- 7       ~~(6) Vendors providing electric guns to the individuals~~  
8           ~~described in paragraphs (1) through (5); provided that~~  
9           ~~electric guns shall at all times remain in the custody~~  
10           ~~and control of the law enforcement officers of the~~  
11           ~~county police departments, the law enforcement~~  
12           ~~officers of the department of public safety, the~~  
13           ~~conservation and resources enforcement officers of the~~  
14           ~~department of land and natural resources, the members~~  
15           ~~of the Army or Air National Guard, or law enforcement~~  
16           ~~officers appointed by the director of transportation.~~

17       ~~(d) The county police departments of this State, the~~  
18       ~~department of public safety, the department of land and natural~~  
19       ~~resources, the army and air national guard, and the department~~  
20       ~~of transportation shall maintain records regarding every~~  
21       ~~electric gun in their custody and control. The records shall~~



1 ~~public safety, and law enforcement officers of the department of~~  
2 ~~transportation may be done concurrently to ensure cost savings.~~

3 ~~(f) No later than June 30, 2018, the conservation and~~  
4 ~~resources enforcement program of the department of land and~~  
5 ~~natural resources shall meet the law enforcement accreditation~~  
6 ~~or recognition standards of the Commission on Accreditation for~~  
7 ~~Law Enforcement Agencies, Inc., in the use of electric guns.~~

8 ~~(g) No later than June 30, 2024, the law enforcement~~  
9 ~~officers appointed by the director of transportation shall meet~~  
10 ~~the law enforcement accreditation or recognition standards of~~  
11 ~~the Commission on Accreditation for Law Enforcement Agencies,~~  
12 ~~Inc., in the use of electric guns." ]~~

13 SECTION 9. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun, before the effective date of this Act.

16 SECTION 10. In codifying the new sections added by  
17 section 2 and referenced in sections 3, 6, and 7 of this Act,  
18 the revisor of statutes shall substitute appropriate section  
19 numbers for the letters used in designating and referring to the  
20 new sections in this Act.



**Report Title:**

Electric Guns; Cartridges; Regulation

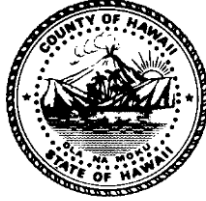
**Description:**

Regulates the sale and use of electric guns and cartridges.  
Effective 7/1/3021. (HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



**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

March 16, 2021

Senator Karl Rhoads  
Chairperson and Committee Members  
Committee On Judiciary  
415 South Beretania Street  
Honolulu, Hawai`i 96813

RE : HOUSE BILL 891, HD 2, RELATING TO ELECTRIC GUNS  
HEARING DATE : MARCH 19, 2021  
TIME : 9:30 A.M.

Dear Senator Rhoads:

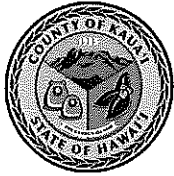
The Hawai`i Police Department **supports** House Bill 891, HD 2, Relating to Electric Guns, with its purpose to repeal the ban on electric guns and regulates the sale and use of electric guns and cartridges.

It is our understanding that recent court decisions have raised questions regarding the constitutionality of bans on electric guns, which may eventually affect the current Hawai`i law. Therefore, we are in agreement with the Attorney General that this measure is necessary to ensure public safety in the event Hawai`i's electric gun ban is invalidated by the courts, the purchase, possession, and use of electric guns by the public will not be regulated or controlled in any manner.

For these reasons, we urge this committee to support this legislation. Thank you for allowing the Hawai`i Police Department to testify on House Bill 891, HD 2.

Sincerely,

PAUL K. FERREIRA  
POLICE CHIEF



DEREK S.K. KAWAKAMI, MAYOR  
MICHAEL A. DAHLIG, MANAGING DIRECTOR

# POLICE DEPARTMENT COUNTY OF KAUAI



TODD G. RAYBUCK, CHIEF OF POLICE

**Testimony of Elliott K. Ke**  
Assistant Chief of Police  
Kaua'i Police Department

Before the  
**Senate Committee on Judiciary**  
March 19, 2021; 9:30 a.m.  
Via Videoconference

In consideration of  
**HB 891 HD2**  
Relating to Electric Guns

Honorable Chair Rhoads, Honorable Vice Chair Keohokalole, and Members of the Committee:

The Kaua'i Police Department (KPD) supports House Bill No. 891, H.D. 2 Proposed, relating to Electric Guns.

KPD supports the amendments to the original bill which requires a licensed seller before any sale, distribution, or other transfer to conduct a criminal history background check on the recipient along with the licensee keeping records of all sales, distribution, and other transactions of electric guns and cartridges.

I appreciate your time and consideration.

Sincerely,

Elliott K. Ke, Assistant Chief  
Administrative & Technical Bureau



**HB-891-HD-2**

Submitted on: 3/17/2021 9:22:57 PM

Testimony for JDC on 3/19/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Namiki Roberts	Testifying for Hawaii Firearms Coalition.	Oppose	No

Comments:



**SHALL NOT BE INFRINGED**

Hawaii Firearms coalition does not oppose the legalization of electric arms for use in self-defense. We do, however, oppose this bill as written.

**Registration and training could be better managed via an online interface managed by the state, rather than relying on dealers and the county.**

Tasers are less than lethal bearable arms that are relatively easy to use and pose minimal risk of death or serious bodily injury. Treating them in a similar manner to firearms, with registration and training requirements, is burdensome and serves no purpose to deter crime.

The most common type of bearable arms is referred to by their trade name, Taser. Taser comes in 2 models, a law enforcement model (priced at over \$1400 a unit) and the Civilian model, the taser pulse (currently priced at \$400 a model). New models of the taser pulse wirelessly connect to a user's cell phone and automatically call for assistance should the Taser be activated.

The training program required by vendors currently does not exist. This would mean that no vendor will be able to sell these arms should this bill be passed. On top of this, should a class be found and approved, a vendor would likely be required to travel to the mainland for this training. This would require significant expense and time for the vendors.

The training programs that are currently available are designed for law enforcement officers. These classes cover many aspects and are significantly time-consuming, often many hours over several days, and still do not meet the requirements of these bills.



The cost and time required to get certified as a vendor and then to train people in the use of tasers will be passed onto customers, making electric arms significantly more expensive. This would persuade many potential users to purchase them, instead opting to purchase firearms that are not only more affordable but are significantly more effective in stopping criminals.

Requiring dealers to keep records of sales is also burdensome. The law has no expiration for the amount of time to keep them, no information on what to do should the dealer go out of business or leave the state. It also provides no method of searching records, making the registration and record-keeping requirements pointless.

Oahu has required record-keeping for pepper spray sales for more than a decade (some of the language in this bill has been copied and pasted from this ordinance). In that time, to the best of our knowledge, the information has not once been looked at by the police department in relation to a crime.

**If the legislators insist on having a registration program in place, it should be treated in a similar manner to Bicycle registration is on Oahu.**

- **People can make a purchase of electronic arms from any vendor in Hawaii and/or online.**
- **The purchaser then registers the electronic arms online, paying a nominal fee (\$15).**
- **The purchaser receives a sticker via mail that contains a unique serial number.**
- **The purchaser then attaches the sticker to the electronic arms.**

**Failure to register in this manner could be treated as a criminal act.**

**Should a database be created and out under government control, protections as to who can legally access this information would need to be put in place. This would be Law enforcement for law enforcement purposes.**

**A website used for registration would be a cost-effective means for the state to register these items with minimal cost and inconvenience to dealers and end-users. The same website can also be used for information and training with regards to the safe use and state laws regarding electric arms. Those registering can be required to watch a video or read the information before completing the registration process.**

Regards

Andrew Namiki Roberts  
Director Hawaii Firearms Coalition.

House Committee on Judiciary & Hawaiian Affairs  
Representative Karl Rhoads, Chair  
Representative Jarrett Keohokalole, Vice Chair

HEARING: Friday, March 19, 2021 at 9:30am  
RE: HB891 Relating to Electric Guns

## **I OPPOSE HB891 HD2 and REQUEST AMENDMENTS**

I support the legalization of electric guns and the removal of buyer permitting/registration requirements in HD2, but there are still too many regulations on a product most people across the nation can buy through the mail on **AMAZON.COM** and use for self-defense. The rise in violent crime should be a wake up call for the legislature, **DEFEND THE CRIME VICTIMS AND MAKE IT EASY FOR THEM TO GET THE EQUIPMENT NEEDED TO PROTECT THEMSELVES. THIS BILL TREATS SELF PROTECTION AS A PRIVILEGE INSTEAD OF A NECESSITY.**

Here are some serious problems with HB891 HD2:

**Electric Guns cannot be used by other people for protection 134-B (d), 134-F (c).** This bill excludes people under 21 and those not the electric gun's owner from using it in self-defense. If someone breaks into a home, then youths and spouses won't be able to use the electric gun to defend themselves. Also people under 21 are not immune from crime. They are the ones who most need it the most as they're more likely to not own a car and have to walk to/from work or school, the market, etc.

**Legal to carry in public?** This bill does not address carrying electric guns in public where it's most needed. The rash of robberies, stabbings, beatings, rapes, and other violent crimes happen in public. Your constituents are living in fear. Please exempt it from HRS 134-51 Deadly or Dangerous Weapons.

**You can buy an electric gun in almost all states legally through AMAZON.COM** and have it shipped to your door without restrictions. This bill treats electric guns like a firearm people must where stores may not go through the hassle of getting their store licensing because the record keeping, tracking, inspections, and other requirements cost a lot of time and money. More so expensive training requirements which adds to the cost of doing business in Hawaii. Even though legal, stores may not go through the hoops to sell them and buyers don't want to go through permitting and registration to get one.

**Electric Guns are safe. I WAS TASED FOR HPD TRAINING.** My entire HPD academy class was voluntarily tased with no adverse effects. It is safe to use in the vast majority of cases. Electric guns can have adverse effects on criminals with health and drug problems, but they have the option to NOT ATTACK INNOCENT VICTIMS.

**Electric Guns cannot be used for training 134-B (a).** I was a former police officer certified to use Tasers and part of the training was we got "tased" with a real electric gun. This is so we know what it's like to get tased and what effects it causes. I'm a firearms and self-defense instructor and this may be part of my training program in the future.

This is a false legalization of electric guns. This is an attempt to regrettably legalize them due to upcoming 2<sup>nd</sup> Amendment court actions that will find Hawaii's ban on electric guns unconstitutional. Instead knowingly replacing a ban with requirements so outrageous that no one will bother jumping through hoops to buy or sell one.

Please amend this bill to language in Sen Keith-Agaran's SB462 – repeals the ban on electric guns with no restrictions.

Mahalo

Todd Yukutake  
Resident SD16  
PH. (808) 255-3066  
Email: [toddyukutake@gmail.com](mailto:toddyukutake@gmail.com)

Electric guns can be bought on Amazon and shipped to your door in most states or bought over the counter with no restrictions.

The image shows the top portion of an Amazon Prime search results page. The search bar contains the word "taser". The page header includes the Amazon Prime logo, a delivery location of "Aiea 96701", and navigation links for "Prime Video", "Buy Again", and "Today's Deals". Below the header is a category bar with "Sports & Outdoors" selected. A promotional banner for "Top Subscription Boxes" is visible, featuring images of various subscription boxes like "Marvel", "Nature", "Lootcrate", and "Bitsbox".

Back to results



Click image to open expanded view

## Taser Pulse with 2 Cartridges, LED Laser with/2 Cartridges, and Target,Black

by Taser

★★★★☆ 90 ratings  
| 241 answered questions

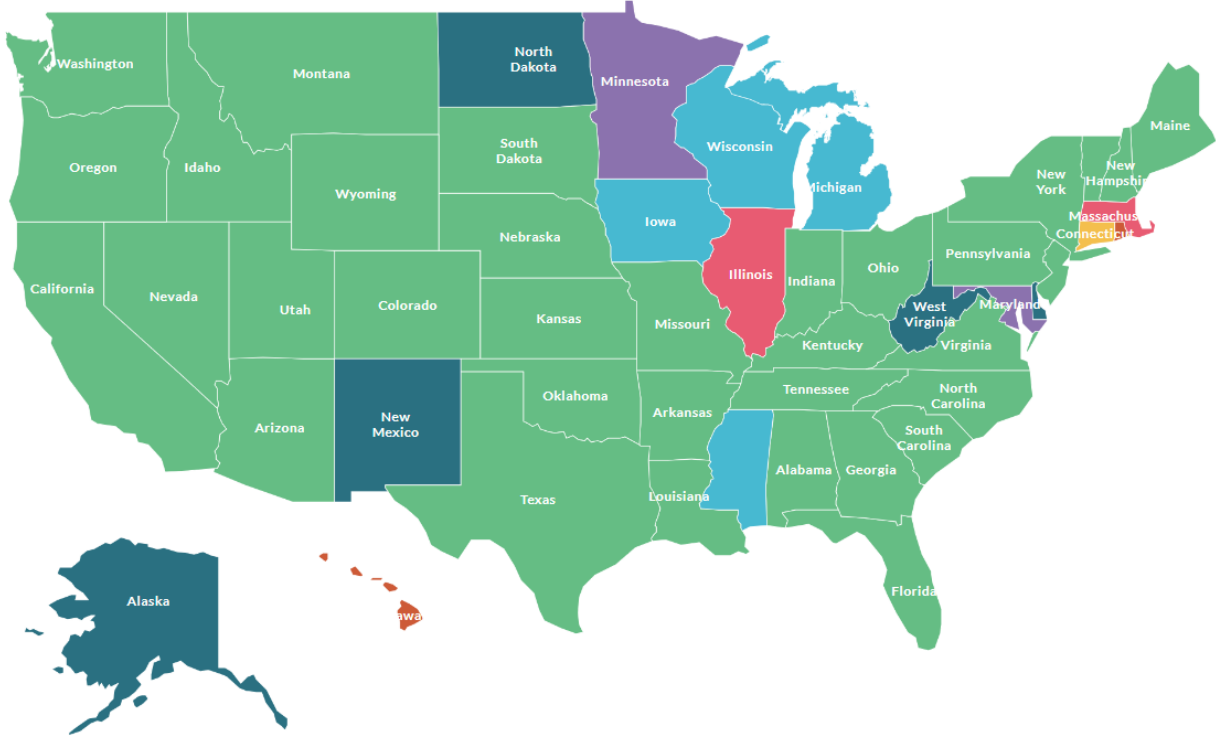
Price: **\$339.95** Prime FREE Delivery

Thank you for being a Prime member. Get \$70 off instantly: Pay \$269.95 upon approval for the Amazon Prime Rewards Visa Card. No annual fee.

- Taser Pulse with Laser LED
- 2 Live Cartridges
- Lithium Power Magazine (Battery Pack)
- Target

New (3) from **\$339.95** ✓prime

**Very few states have restrictions on electric guns, including those with extensive gun control such as California and New York.**



- No Restrictions
- Permit Required for Concealed Carry
- Only Allowed for Home Defense
- Banned
- Other: See Requirements Below
- Permit Required for Ownership
- Background Check Required

**My HPD classmate getting tased with probes and drive stun as part of Taser training. No adverse affects after all 35 recruits were tased.**



## State Requirements – Very few states have permitting and age requirements.

State	Permit Required for Consumers to Possess	Background Check Required	Other Restrictions on Sale*
Alabama	No	No	No
Alaska	No	No	No
Arizona	No	No	Yes (verify possession of valid gov't ID)
Arkansas	No	No	Yes (no sales under 19)
California	No	No	Yes (no sales under 19 and no felony convictions)
Colorado	No	No	No
Connecticut	No	No	No
Delaware	No	No	No
District of Columbia	No	No	No
Florida	No	No	No
Georgia	No	No	No
Hawaii	N/A	N/A	N/A
Idaho	No	No	No
Illinois	Yes	Yes	Yes (must only sell to FOID holder + waiting period)
Indiana	No	No	No
Iowa	Yes	No	No
Kansas	No	No	No
Kentucky	No	No	No
Louisiana	No	No	No
Maine	No	No	No
Maryland	No	Yes	No
Massachusetts	Yes	No	Yes (submit a copy of resident firearms license, Massachusetts ID, and MA Basic Firearms Safety Course certificate)
Michigan	Yes	No	Yes (verify identity and possession of CCW)
Minnesota	No	Yes	Yes (no sales under 19)
Mississippi	Yes	No	No
Missouri	No	No	No
Montana	No	No	No
Nebraska	No	No	No
Nevada	No	No	No
New Hampshire	No	No	No
New Jersey	No	No	No
New Mexico	No	No	No
New York	No	No	There may be other county/local laws regulating civilian CEW possession within the State of New York. It is the



sole responsibility of the individual possessing the CEW to research and comply with laws.

North Carolina	No	No	No
North Dakota	No	No	No
Ohio	No	No	No
Oklahoma	No	No	No
Oregon	No	No	No
Pennsylvania	No	No	No
Rhode Island	N/A	N/A	N/A
South Carolina	No	No	No
South Dakota	No	No	No
Tennessee	No	No	No
Texas	No	No	No
Utah	No	No	No
Vermont	No	No	No
Virginia	No	No	No
Washington	No	No	No
West Virginia	No	No	No
Wisconsin	Yes	No	Yes (verify possession of CCW or that use is restricted to home/business)
Wyoming	No	No	No

**HB-891-HD-2**

Submitted on: 3/16/2021 12:01:53 PM

Testimony for JDC on 3/19/2021 9:30:00 AM

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

Comments:

OPPOSE due to the regulations being placed on the sellers. Which also means online sales from Amazon probably won't happen either.

When a court rules something is protected under the 2nd amendment, that doesn't mean to heavily REGULATE SOMETHING IN HOPES IT WILL PREVENT SOME FROM BUYING IT.

Use your brains and stop being political. You on the committee know who I'm talking about.

**HB-891-HD-2**

Submitted on: 3/16/2021 11:48:28 AM

Testimony for JDC on 3/19/2021 9:30:00 AM

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

Comments:

Use of electric guns should be much more liberal to allow someone to defend themselves with non-lethal force, if they so choose.

**HB-891-HD-2**

Submitted on: 3/16/2021 4:01:20 PM

Testimony for JDC on 3/19/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rita Kama-Kimura	Individual	Oppose	No

Comments:

I strongly oppose the passing of this bill HB891. This is an nonlethal option for law abiding citizens with which to protect themselves, their loved ones and their properties when confronted with a threat. Our police can't be everywhere at the precise moments they are needed.

Many times it appears that our legislators are more concerned and have more empathy towards those that commit crime then for the victims. The victims you promised to serve, the victims that elected you, the same victims that pay for your salary, you benefits, and all the security you enjoy at the capitol.

This bill would require a background check, permits, training ... it's an electric gun considered so non-lethal that it can be purchased on Amazon. How dangerous can it, as long as common sense is used.

So let's stop it now ...

**HB-891-HD-2**

Submitted on: 3/17/2021 8:04:25 AM

Testimony for JDC on 3/19/2021 9:30:00 AM

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

Comments:

I do not support this bill.

**HB-891-HD-2**

Submitted on: 3/17/2021 9:43:15 AM

Testimony for JDC on 3/19/2021 9:30:00 AM

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

Comments:

I strongly oppose this bill -

- This bill would severely hamper the publics' ability to own and use a taser for self-defense by requiring a permit to acquire.
- Training would be costly and be difficult to get for sellers, resulting in no one selling them.
- There is currently NO training program available.
- The Hawaii Criminal Justice data center is not set up or funded to provide individuals with background checks.
- Storage requirements have already been declared unconstitutional.
- It prevents the gifting of tasers to a loved one or friend.
- No other person can possess your electric gun. **IE your spouse cannot use your electric gun for self-defense.**
- The registration system would be burdensome to stores and retailers.
- Bill prevents online purchases.
- No other state has these requirements.
- Cheaper and/or easier to purchase a firearm.
- Items are not serialized.

**HB-891-HD-2**

Submitted on: 3/17/2021 10:44:02 PM

Testimony for JDC on 3/19/2021 9:30:00 AM

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

Comments:

This bill actively works against public safety. Why would you make obtaining a non lethal means of self defense equally difficult to purchasing a pistol? Given the difficulty in obtaining an "electric gun" why would I bother as it is ultimately a less effective means of defense, particularly when the unscrupulous can obtain an electric gun easily by mail order or out of state. Please make "electric guns" a viable non lethal alternative to firearms for defense of our homes and families.

**HB-891-HD-2**

Submitted on: 3/18/2021 6:01:50 AM

Testimony for JDC on 3/19/2021 9:30:00 AM

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

Comments:

Oppose due to the bill being overly restrictive.



**HB-891-HD-2**

Submitted on: 3/18/2021 8:17:30 AM

Testimony for JDC on 3/19/2021 9:30:00 AM

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

Comments:

Aloha,

I stongly OPPOSE HB891. While it is good that the legislature seeks to remove the law banning electric guns, the restrictions imposed in the bill are so burdensome as to make it easier for a citizen to purchase a firearm rather than a tazer.

No other state has such onerous restrictions, including California. Why is it the Legislature believes it necessary to impose such restrictions when there is no need to do so? The only thing this bill will accomplish, if passed, is to further strain the resources of the police departments to register and track these devices and to deny citizens the opportunity to own a self defense tool that was foud to be protected under the Second Amendment by the United States Supreme Court.

I urge you to OPPOSE this bill and replace it with a clean repeal of the banning of electric guns.

HB891 HD1 is an absurdly preposterous effort to keep “electric guns” de facto illegal while attempting to circumvent the Supreme Court of the United States clearly ruling unanimously that such self-defense tools may NOT be de facto illegal in any state in the United States. Is Hawaii a state? You wouldn't know it with all the obvious violations of the U.S. Constitution that currently exist in this fascist authoritarian third world dictatorship.

The criteria in the bill for selling, owning, possessing and/or using an “electric gun” for the purpose of self-defense are ludicrous, a shallow transparent attempt to keep as many people as possible from having such items in their possession for their own self-defense.

If you (the “introducers”, Saiki “for another party” (governor and AG?) and/or anyone who votes for the bill) are so concerned about people possessing dangerous tools that might be used for self-defense, then you'd better write a verbatim similar bill for the following, as it has been known to be used to injure numerous people, and thus needs to be immediately removed from the shelves of all retail outlets until such time as the same requirements are established and enforced for their ownership.



The legislature that would pass such a bill (HB891 HD1, not the Butterknife Ban), even further violating their oaths of office to support and defend the Constitution of the United States (“the right of the people to keep and bear arms SHALL NOT BE INFRINGED”), is composed of traitorous moronic clowns, doing the bidding of some behind-the-curtain ringmaster while Barnum laughs his ass off.