



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-FIRST LEGISLATURE, 2022**

---

**ON THE FOLLOWING MEASURE:**

S.B. NO. 3043, RELATING TO FIREARMS.

**BEFORE THE:**

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS

**DATE:** Thursday, February 3, 2022      **TIME:** 1:10 p.m.

**LOCATION:** State Capitol, Via Videoconference

**TESTIFIER(S):** Holly T. Shikada, Attorney General,  
Amy Murakami, Deputy Attorney General

---

Chair Nishihara and Members of the Committee:

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

The purpose of this bill is to address the recent federal court ruling of Yukutake v. Connors, Civ. No. 19-00578 JMS-RT (D. Haw. Aug. 16, 2021) by: (1) increasing the time limit for a person to use a permit to acquire a firearm from ten days to thirty days, (2) removing the general requirement that firearms be physically inspected at the time of their registration, and (3) requiring that only certain firearms be physically inspected. The firearms that require in-person inspection are those that were not manufactured with serial numbers (ghost guns), firearms transported by individuals from out of state, and firearms being transferred between private individuals. These amendments are necessary to protect the public.

The United States District Court for the District of Hawaii, in Yukutake v. Connors, held that the requirement in section 134-2(e), Hawaii Revised Statutes (HRS), that a permit to acquire a handgun be used within ten days of issuance of the permit, and the requirement in section 134-3(c), HRS, that firearms be physically inspected at the time of registration were both unconstitutional. If the firearm statutes are not amended, permits to acquire will not expire and no firearms will be examined by law enforcement to ensure that the firearm matches the registration information and complies with Hawaii law.

A person applying for a permit to acquire a firearm must provide background information, including name, address, and physical descriptors, and must be subjected to background checks, including mental health inquiries and inquiries using the National Crime Information Center, National Instant Background Check System, International Justice and Public Safety Network, and United States Immigration and Customs Enforcement. Background information, including mental health information, may become outdated over time and people's appearances change. More importantly, people can experience events in their lives that disqualify them from owning firearms, such as criminal convictions, mental health diagnoses, or being subjected to restraining orders.

Hawaii has a substantial interest in public safety, and accurate information protects public safety both by helping prevent people who are disqualified from owning firearms from acquiring them and by facilitating the tracing of firearms. Studies such as Purchaser Licensing, Point-of-Sale Background Check Laws, and Firearm Homicide and Suicide in 4 US States, 1985-2017 by Alexander D. McCourt et al., published by the American Journal of Public Health, established that when Connecticut enacted permitting requirements, its gun violence rate went down, but when Missouri repealed its permitting requirements, the gun violence rate went up. This correlation between strong permitting laws and the reduction of gun violence supports imposing a reasonable expiration date on firearm permits. Thirty days is short enough to ensure the continued accuracy of the information on which the permit is based and long enough for permit holders to complete the acquisition of their pistols or revolvers. Based on everyday experience, information in an application, such as background information and qualifications, is highly unlikely to change in only thirty days. And under the prior standard, an overwhelming percentage of approved firearm applicants were able to pick up and use their handgun permits within ten days. See Firearm Registrations in Hawaii, 2020, Department of the Attorney General, Crime Prevention & Justice Assistance Division, at 2 (25,024 out of 25,381 approved permits, or 98.6%). Increasing the standard to thirty days will provide even more time for people to complete their acquisitions.

This amendment will help Hawaii's firearm permitting laws survive legal challenges while at the same time preserve the fundamental structure of our statutes. Permits for rifles and shotguns will still be valid for one year and multiple transactions, while permits for handguns will still be valid for a shorter period and single transactions. This scheme will continue to recognize the heightened danger presented by handguns as a result of their greater concealability. However, increasing the expiration date for handgun permits from ten days to thirty days should address legal challenges like the Yukutake case.

Hawaii's important interest in protecting public safety justifies the physical inspection of certain narrow categories of firearms at the time of registration. Firearms and firearm receivers that do not have serial numbers imprinted by the manufacturer, including those created by 3-D printers, pose a danger to public safety inasmuch as these "ghost guns" are untraceable by law enforcement. These firearms and firearm receivers can be legally obtained and registered under Hawaii law; however, the process established by section 134-3, HRS, requires the permanent engraving or embedding of a registration number on the firearm by the registrant. It is necessary for police departments to inspect the engraving or embedding, even when done by a licensed dealer, so as to ensure that it is done legibly, permanently, and accurately. Due to the risk of human error or inexactitude, it is not enough to simply assume that the registration number is properly engraved or embedded and also properly recorded in registration records. It is within the experience of everyone, including law enforcement officials, that human beings can and do make mistakes, especially with respect to paperwork. Law enforcement officials have long recognized the importance of tracing firearms, but tracing cannot be done without a proper serial number or registration number on the firearm.

Likewise, there is an important public safety interest in requiring the physical inspection of firearms brought into the State by persons other than licensed dealers or manufacturers and in requiring the physical inspection of firearms sold or transferred between private parties. These situations are particularly vulnerable to the unwitting possession of illegal firearms or accessories. The firearm laws in other states are often

very different from the firearm laws in Hawaii. Assault pistols, automatic firearms, rifles and shotguns with certain barrel lengths, certain large capacity magazines, and bump stocks are illegal in Hawaii but may be legal in another state. Firearms can also be modified. A person purchasing a firearm from someone who is not a licensed dealer or a person attempting to bring a firearm into Hawaii from out of state may not have the knowledge to recognize an illegal firearm. Requiring physical inspection in these situations protects both the public interest as well as the individual. The individual benefits from the inspection because an illegal firearm recovered at registration is less likely to result in prosecution, and if the firearm passes inspection, the individual has the assurance that the firearm is legal.

The Department submits this testimony in its role as an integral part of the law enforcement community and respectfully requests the passage of this bill.



The Honorable Clarence K. Nishihara

The Honorable Lynn DeCoite

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

State Capitol, Video Conference  
Honolulu, Hawaii 96813

HEARING: Thursday, February 03, 2022, at 1:10PM

RE: SB3043 Firearms; Permits; Registration; Firearms Inspections

Aloha Members of the Senate Committee,

The Hawaii Firearms Coalition OPPOSES SB3043.

The Hawaii Firearms Coalition opposes this bill on the grounds the proposed in-person registration scheme for firearms brought into the state, person-to-person firearm transfers, and self made guns is a direct violation of the judge's ruling in Yukatake vs Connors(2021).

Specifically, the Honorable Judge Seabright ruled:

HRS § 134-3(c)'s requirement that, with the exception of certain licensed dealers, "[a]ll other firearms and firearm receivers registered under [HRS § 134] shall be physically inspected by the respective county chief of police or the chief's representative at the time of registration" is unconstitutional in violation of the Second Amendment. Defendant's officers, agents, servants, employees, and all persons in active concert or participation with Defendant are permanently enjoined from enforcing HRS § 134-3(c)'s in-person firearm inspection and registration requirement.

The judge found that the in person registration scheme served no purpose to increase public safety and only placed undue burden on lawful citizens exercising their Second Amendment Rights under the US Constitution. In person, registration schemes disproportionately affect hourly workers, who cannot afford to take off multiple days from work in order to purchase a firearm for self defense, hunting, or sporting purposes. These laws are, by design, meant to create a financial hardship in order to dissuade lawful citizens from owning firearms and are sadly part of the long history of racist laws designed to keep firearms out of the hands of minorities.

If passed into law, this bill would reimplement in person inspection of firearms in defiance of the court order. As a result this would result in a second lawsuit that would cost the state hundreds of thousands of dollars when once again found to be unconstitutional.

Please vote no on this deeply flawed proposed legislation..

For these reasons the Hawaii Firearms Coalition Opposes SB3043. Thank you for your consideration.

Mahalo

Jon Webster Abbott  
Director, Hawaii Firearms Coalition  
PH. (808) 292-5180  
Email: [jon@hifico.org](mailto:jon@hifico.org)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

TODD YUKUTAKE, ET AL.,

Civ. No. 19-00578 JMS-RT

Plaintiffs,

ORDER GRANTING PLAINTIFFS'  
MOTION FOR SUMMARY  
JUDGMENT AND DENYING  
DEFENDANT'S COUNTER  
MOTION FOR SUMMARY  
JUDGMENT

vs.

CLARE E. CONNERS,

Defendant

**ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY  
JUDGMENT AND DENYING DEFENDANT'S COUNTER MOTION FOR  
SUMMARY JUDGMENT**

**I. INTRODUCTION**

Plaintiffs Todd Yukutake and David Kikukawa (“Plaintiffs”) are firearm owners living on Oahu. They bring suit against State of Hawaii Attorney General Clare E. Connors in her official capacity (“Defendant” or “the Government”) arguing that two State of Hawaii firearm laws violate the Second Amendment. The first, Hawaii Revised Statutes (“HRS”) § 134-2(e), requires, in relevant part, that

individuals purchase a handgun (i.e., a pistol or revolver) within 10 days of obtaining a permit to acquire. The second, HRS § 134-3(c), requires, in relevant part, that individuals physically bring their firearm to the police department for in-person inspection and registration within five days of acquiring

Case 1:19-cv-00578-JMS-RT Document 107 Filed 08/16/21 Page 2 of 33 PageID #: 980

it. ECF No. 85. Currently before the court are Plaintiffs' Motion for Summary Judgment and Defendant's Counter Motion for Summary Judgment, ECF No. 91. The challenged provisions in both HRS § 134-2(e) and HRS § 134- 3(c) are not longstanding and impose only a moderate burden on the right to bear arms. As such, both provisions are subject to intermediate scrutiny. And because the Government has entirely failed to demonstrate how each law effectuates its asserted interest in public safety, neither law can pass constitutional muster under this standard of review. Plaintiffs' Motion for Summary Judgment is GRANTED and Defendant's Counter Motion for Summary Judgment is DENIED. To be clear, this Order affects only these two discrete provisions of the State of Hawaii's firearm scheme; no other aspect of the State's firearm regulatory scheme is challenged or addressed in this Order.

## **II. BACKGROUND**

Plaintiffs are residents of the City and County of Honolulu. ECF No. 78 at PageID # 557. Both legally own multiple firearms and wish to legally



acquire additional guns, including handguns. *Id.* at PageID ## 567-69. They allege that certain provisions of two State of Hawaii firearm laws, HRS §§ 134-2(e) and 134-3(c), violate their Second Amendment right to bear arms. *Id.* at PageID # 570.

HRS § 134-2(e) provides, in relevant part, that “[p]ermits issued to acquire any pistol or revolver [i.e., handguns] shall be void unless used within ten days after the date of issue.” And HRS § 134-3(c) provides, in relevant part, that firearms “shall be physically inspected by the respective county chief of police or the chief’s representative at the time of registration.”<sup>1</sup> Plaintiffs allege that both laws infringe on the Second Amendment right to bear arms because “people who wish to own a firearm, including the litigants in this matter, must take time off work to complete the lengthy application process.” ECF No. 78 at PageID # 562. To legally possess a firearm, applicants must complete that application process,<sup>2</sup> which consists of the following steps:

- (1) In the case of handguns, acquire all necessary identifying information about the firearm from the seller, including its make, model, and serial number;

- (2) Physically visit the police station to apply for a permit to acquire the firearm, including by providing personal identifying

<sup>1</sup> Firearms dealers licensed under State of Hawaii law or by the United States Department of Justice are exempt from this in-person registration and inspection requirement. *See* HRS § 134-3(c) (“Dealers licensed under section 134-31 or dealers licensed by the United States Department of Justice shall register firearms pursuant to this section on registration forms prescribed by the attorney general and shall not be required to have the firearms physically inspected by the chief of police at the time of registration.”).

<sup>2</sup> Before undertaking the listed steps, first-time applicants for a firearm are required to take a safety course. Individuals applying for additional guns need not take the safety course again. HRS § 134-2(g).

information, including name, address, and physical appearance;  
and, in the case of handguns, the gun’s make, model, and serial  
number;

- (3) Wait 14 days while the police department reviews the application, conducts a background check to ensure that the individual is qualified to possess a gun, and issues the permit;
- (4) Return to the seller to present the permit and finalize the purchase of the firearm. Applicants must purchase the firearm within 10 days of permit issuance in the case of a handgun and within a year of permit issuance in the case of a long gun. HRS § 134-2(e);<sup>3</sup> and (5)

Within five days of acquiring the firearm, bring the firearm back to the police station for a physical inspection and registration, including by providing the firearm's make, model, and serial number. HRS § 134-3(c).<sup>4</sup>

On October 30, 2020, Plaintiffs filed a First Amended Complaint against Defendant in her official capacity as State Attorney General, challenging

<sup>3</sup> Plaintiffs do not challenge the constitutionality of the one-year permit use period for long guns.

<sup>4</sup> At the June 28, 2021 hearing, both Plaintiffs' counsel and Defendant's counsel agreed that these are the steps an applicant must complete to acquire a firearm in the State of Hawaii. ECF No. 102.

the constitutionality of HRS § 134-2(e)'s 10-day permit use period for handguns and HRS § 134-3(c)'s in-person inspection and registration requirement for firearms.<sup>5</sup> ECF No. 78. That same day, the court stayed and administratively closed the case pending issuance of the Ninth Circuit's en banc opinion in *Young v. State of Hawaii*, No. 12-17808. ECF No. 79.

On March 24, 2021, the Ninth Circuit issued its decision in *Young*. 992 F.3d 765 (9th Cir. 2021). The next day, March 25, 2021, the court lifted the stay and reopened this case. ECF No. 80. On April 28, 2021, Plaintiffs filed a

Motion for Summary Judgment, ECF No. 85. And on May 28, 2021, Defendant filed a Counter Motion for Summary Judgment, ECF No. 91. Plaintiffs filed a “Reply and Opposition” to Defendant’s Counter Motion on June 7, 2021, ECF No. 95, and Defendant filed a Response in support of the Counter Motion and in Opposition to Plaintiff’s Motion on June 14, 2021, ECF No. 99. On June 15, 2021,

<sup>5</sup> Plaintiffs’ initial Complaint asserted facial and as-applied challenges against both Defendant and the City and County of Honolulu. ECF No. 1 (filed October 24, 2019). When Plaintiffs initiated their lawsuit, HRS § 134-3(c) did not expressly require in-person inspection and registration of firearms. But the Honolulu Police Department (“HPD”) had implemented § 134-3 by requiring applicants to register their firearms in person. *See* ECF No. 1 at PageID # 4.

On June 9, 2020, Plaintiffs and the City and County of Honolulu reached a settlement agreement, with the City and County agreeing to extend the hours of the Firearms Unit and to issue permits via email rather than requiring applicants to come to the station to physically pick up their permits. ECF No. 52; ECF No. 78 at PageID # 561 (describing conditions of settlement). On June 12, 2020, the parties stipulated to dismissal with prejudice of all claims against the City and County, ECF No. 53. Shortly thereafter, on July 10, 2020, the Hawaii State Legislature amended HRS § 134-3(c) to affirmatively require in-person inspection and registration of firearms. *See* H.B. 2744, H.D. 1 S.D. 2, 30th Leg., Reg. Sess. (enacted Sept. 16, 2020).

the court granted Everytown for Gun Safety (“Everytown”) leave to file a brief as amicus curiae. ECF No. 100. A hearing was held on June 28, 2021. ECF No. 102.

### **III. STANDARD OF REVIEW**

Summary judgment is proper where there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P.

56(a); *see also, e.g., Sandoval v. Cnty. of San Diego*, 985 F.3d 657, 665 (9th Cir. 2021). Rule 56(a) mandates summary judgment “against a party who fails to make a showing sufficient to establish the existence of an element essential to the party’s case, and on which that party will bear the burden of proof at trial.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986); *see also Nissan Fire & Marine Ins. Co. v. Fritz Cos., Inc.*, 210 F.3d 1099, 1103 (9th Cir. 2000).

“The party moving for summary judgment bears the initial burden of identifying those portions of the pleadings, discovery and affidavits which demonstrate the absence of a genuine issue of material fact.” *Olivier v. Baca*, 913 F.3d 852, 857 (9th Cir. 2019) (citing *Celotex*, 477 U.S. at 323). Where the moving party does not have the ultimate burden of persuasion at trial, they bear both the initial burden of production and the ultimate burden of persuasion on their motion for summary judgment. *Friedman v. Live Nation Merch., Inc.*, 833 F.3d 1180, 1188 (9th Cir. 2016) (citing *Nissan Fire*, 210 F.3d at 1102).

“‘[W]hen the moving party has carried its burden under Rule 56[(a)], its opponent must do more than simply show that there is some metaphysical doubt as to the material facts,’” but must come forward with specific facts showing that there is a genuine dispute for trial. *Scott v. Harris*, 550 U.S. 372, 380 (2007)

(quoting *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87 (1986)). “[A]t least some ‘significant probative evidence’” must be produced. *Hexcel Corp. v. Ineos Polymers, Inc.*, 681 F.3d 1055, 1063 (9th Cir. 2012) (citing *T.W. Elec. Serv., Inc. v. Pac. Elec. Contractors Ass’n*, 809 F.2d 626, 630 (9th Cir. 1987)). “‘If the evidence is merely colorable, or is not significantly probative, summary judgment may be granted.’” *United States ex rel. Kelly v. Serco, Inc.*, 846 F.3d 325, 329-30 (9th Cir. 2017) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249-50 (1986)); *Addisu v. Fred Meyer, Inc.*, 198 F.3d 1130, 1134 (9th Cir. 2000) (“A scintilla of evidence or evidence that is merely colorable or not significantly probative does not present a genuine issue of material fact.”); *see also Friedman*, 833 F.3d at 1185 (citing *McIndoe v. Huntington Ingalls Inc.*, 817 F.3d 1170, 1173 (9th Cir. 2016)).

For purposes of Rule 56(a), a dispute is genuine only if there is a sufficient evidentiary basis on which “a reasonable jury could return a verdict for the nonmoving party,” and a dispute of fact is material only if it could affect the outcome of the suit under the governing law. *Momox-Caselis v. Donohue*, 987

F.3d 835, 841 (9th Cir. 2021) (citing *Anderson*, 477 U.S. at 248). When considering the evidence on a motion for summary judgment, the court must draw

all reasonable inferences in the light most favorable to the nonmoving party.

*Rookaird v. BNSF Ry. Co.*, 908 F.3d 451, 459 (9th Cir. 2018).

#### **IV. ANALYSIS**

Plaintiffs challenge the constitutionality of both the State of Hawaii's 10-day use period for permits to acquire handguns under HRS § 134-2(e) and its requirement that all firearms be inspected and registered in-person under HRS § 134-3(c). Both requirements are subject to intermediate scrutiny, and both fail to pass constitutional muster under that standard of review.<sup>6</sup>

##### **A. Second Amendment Standards**

The Second Amendment 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.” In *District of Columbia v. Heller*, 554 U.S. 570

<sup>6</sup> Plaintiffs assert that they are bringing both facial and as-applied challenges, while Defendant argues that Plaintiffs relinquished their as-applied challenges when they settled their claims against the City and County of Honolulu. But, as set forth in more detail below, both challenged provisions are facially unconstitutional. Thus, the court need not consider whether Plaintiffs have preserved their as-applied challenges. *See Hoyer v. City of Oakland*, 653 F.3d 835, 857 (9th Cir. 2011) (explaining that because “[f]acial and as-applied challenges differ *in the extent* to which the invalidity of a statute need be demonstrated’ . . . the substantive legal tests used in the two challenges are ‘invariant’” (quoting *Legal Aid Servs. of Oregon v. Legal Servs. Corp.*, 608 F.3d 1084, 1096 (9th Cir. 2010))); *see also Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 331 (2010) (explaining that the distinction between facial and as-applied challenges “goes to the breadth of the remedy employed by the Court, not what must be pleaded in a complaint,” with an as-applied challenge offering a “narrower remedy” than a facial challenge (quoting *United States v. Treasury Emps.*, 513 U.S. 454, 478 (1995))).

(2008), the Supreme Court engaged in its “first in-depth examination of the Second Amendment.” *Id.* at 635. The Court determined that “the right to keep and bear arms is an individual right held by the people, and not limited by the prefatory clause—‘a well regulated Militia’—only to ‘the right to possess and carry a firearm in connection with militia service.’” *Young*, 992 F.3d at 782 (quoting *Heller*, 554 U.S. at 596, 577, 599). The Court further determined that the right to bear arms was not created by the Constitution, but rather that the Second Amendment codified a pre-existing right “inherited from our English ancestors.” *Heller*, 554 U.S. at 599. And the Court identified the “core” of the Second Amendment as “the right of law-abiding, responsible citizens to use arms in defense of hearth and home.” *Id.* at 635.

*Heller* also set forth a framework for determining whether a law impermissibly infringes on Second Amendment rights. First, *Heller* indicated that “determining the scope of the Second Amendment’s protections requires a textual and historical analysis of the amendment.” *United States v. Chovan*, 735 F.3d 1127, 1133 (9th Cir. 2013) (summarizing *Heller*). And while the Court declined to undertake such an “exhaustive historical analysis” in its opinion, it identified certain “longstanding prohibitions” on the possession of firearms as “presumptively lawful,” including “bans on possession by felons and the mentally



ill; bans on possession in sensitive places; and regulations on the commercial sale of firearms.” *Young*, 992 F.3d at 782 (citing *Heller*, 554 U.S. at 626-27). Second, *Heller* provided guidance for courts reviewing laws that do not qualify as longstanding and presumptively lawful. The Court explained that an outright ban of firearms in the home violates the Second Amendment under any level of scrutiny. *Heller*, 554 U.S. at 628. And while the Court left discussion of the precise level of scrutiny applicable to Second Amendment challenges to a later day, it expressly “reject[ed] a rational basis standard of review, thus signaling that courts must at least apply intermediate scrutiny.” *Silvester v. Harris*, 843 F.3d 816, 820 (9th Cir. 2016) (summarizing *Heller*).

The Ninth Circuit—along with the majority of other circuit courts—has adopted a two-step inquiry to implement the *Heller* framework. At the first step, courts “ask if the challenged law affects conduct that is protected by the Second Amendment.” *Young*, 992 F.3d at 783. That is, courts ask whether the law “is one of the presumptively lawful . . . measures identified in *Heller*, or whether the record includes persuasive historical evidence establishing that the [law] at issue imposes prohibitions that fall outside the historical scope of the Second

Amendment.” *Bauer v. Becerra*, 858 F.3d 1216, 1221 (9th Cir. 2017) (internal quotation and citation omitted).

If the law is found to burden conduct protected by the Second Amendment at step 1, courts proceed to step 2 to determine what level of scrutiny to apply. In undertaking this inquiry, courts assess “(1) how close the challenged law comes to the core of the Second Amendment right, and (2) the severity of the law’s burden on that right.” *Id.* at 1221-22. A law is unconstitutional under any level of scrutiny if it so severely restricts the “core” right of self-defense of the home that it “amounts to a destruction of the Second Amendment right.” *Id.* at 1222. “Further down the scale,” a law that “implicates the core of the Second Amendment right and severely burdens that right warrants strict scrutiny.” *Id.* “Otherwise, intermediate scrutiny is appropriate.” *Id.* The Ninth Circuit’s “post *Heller* decisions generally have applied intermediate scrutiny to firearms regulations.” *Pena v. Lindley*, 898 F.3d 969, 977 (9th Cir. 2018) (collecting cases).

## **B. HRS § 134-2(e)’s 10-Day Permit Use Period**

### ***1. The 10-Day Permit Use Period Is Not Longstanding and Presumptively Valid***

Defendant argues that HRS § 134-2(e)’s 10-day permit use period is

longstanding and presumptively valid because it is a “condition[] and qualification[] on the commercial sale of arms” that “dates back to 1933-1934.”

ECF No. 91-1 at PageID ## 712-13.<sup>7</sup> In support of this argument, Defendant points to “similar laws” that were passed in four other states—Arkansas, Massachusetts, Missouri, and Michigan—“during that [same] era” (i.e., the 1930s). ECF No. 91-1 at PageID # 713; *see also* ECF Nos. 92-16, 92-17, 92-18, 92-19. But a handful of similar laws from the 1930s, without more, is insufficient to establish that the State of Hawaii’s law belongs to a “longstanding” historical tradition of “presumptively lawful” firearm prohibitions. *Young*, 992 F.3d at 783. *Young* clarified the test for whether a law is “longstanding and presumptively lawful,” explaining that the *purpose* of conducting the historical analysis is to determine whether the challenged law falls within the scope of the right as it was understood during the founding era. *Id.* That is, “[l]aws restricting conduct that can be traced to the founding era and are historically understood to fall outside of the Second Amendment’s scope may be upheld without further analysis.” *Id.* (quoting *Silvester*, 843 F.3d at 821). Evidence of similar restrictions

found in ancient English law, founding era laws, and early post-ratification laws provide persuasive evidence of the historical understanding of the scope of the

<sup>7</sup> To the extent Defendant argues that the 10-day permit use period is presumptively lawful simply because it is a “condition[] and qualification[] on the commercial sale of arms,” this argument fails. The Ninth Circuit has held the phrase “conditions and qualifications on the commercial sale of arms” “sufficiently opaque” to prohibit reliance on it alone, instead opting to conduct a “full textual and historical review” of the scope of the Second Amendment. *Teixeira v. Cnty. of Alameda*, 873 F.3d 670, 683 (9th Cir. 2017) (en banc). The court follows that approach here.

right. *Id.* By contrast, “twentieth-century developments . . . may be less reliable as evidence of the original meaning of the American right to keep and bear arms.” *Id.* at 811.

Here, Defendant puts forth *only* laws of this less reliable caliber. And while early Twentieth Century laws “might . . . demonstrate a history of longstanding regulation *if their historical prevalence and significance is properly developed in the record*,” *Fyock v. Sunnyvale*, 779 F.3d 991, 997 (9th Cir. 2015) (emphasis added), Defendant has failed to satisfy these conditions. The sparse handful of laws Defendant puts forth does not demonstrate the requisite “historical prevalence.” *Young*, 992 F.3d at 783 (“We are looking for ‘historical prevalence.’”) (quoting *Fyock*, 779 F.3d at 997)). Moreover, there is no evidence in the record suggesting that these laws are tethered—in any way—to the “original

meaning of the American right to keep and bear arms.” *Id.* at 811. Indeed, Defendant does not provide *any* historical context for these laws. Instead, Defendant asserts that their mere existence is evidence that the State of Hawaii’s 10-day permit expiry period is presumptively valid. This meager showing is not enough.

Finally, it is worth noting that three of the four laws Defendant relies upon have been repealed. ECF No. 95-1 at PageID ## 931-32. And the only law that remains on the books, Michigan’s, imposes a 30-day rather than 10-day time

limit on permit holders. *Id.* at PageID # 931. Thus, even if these laws *did* provide evidence of founding-era understanding of lawful firearm prohibitions, it is not clear that their existence supports Defendant’s argument that the State of Hawaii’s law falls within that historical tradition.

Simply put, the court cannot conclude that HRS § 134-2(e)’s 10-day permit use period is longstanding and presumptively valid.

## ***2. Intermediate Scrutiny Applies***

Having determined that HRS § 134-2(e)’s 10-day permit use period implicates the right to bear arms, the court next considers the appropriate level of scrutiny to apply. As both parties agree, the 10-day permit use period does not

“amount to destruction” of the right to bear arms. ECF No. 85-1 at PageID # 603; ECF No. 91-1 at PageID # 715. This leaves a choice between strict and intermediate scrutiny. Strict scrutiny is appropriate only when a law “implicates the core of the Second Amendment right *and* severely burdens that right.” *Silvester*, 843 F.3d at 821 (emphasis added). Otherwise, intermediate scrutiny is appropriate. *Id.* Defendant concedes that “the core of the Second Amendment is presumably implicated since Plaintiffs state that they want to purchase handguns.” ECF No. 91-1 at PageID # 714. Thus, the appropriate level of scrutiny to apply turns on the severity of the burden imposed by the law.

In weighing the severity of a law’s burden on the right to bear arms, courts are “guided by a longstanding distinction between laws that regulate the manner in which individuals may exercise their Second Amendment right, and laws that amount to a total prohibition of the right.” *Pena*, 898 F.3d at 977. HRS § 134-2(e)’s 10-day permit use period falls into the former category. It merely regulates when an individual may purchase handguns—requiring them to take possession of the weapon within ten days of acquiring a permit. It does not prohibit individuals from possessing or acquiring handguns. Indeed, the only

burden alleged by Plaintiffs is that they “are required to take time off work to make their firearms purchase in quick succession.” ECF No. 85-1 at PageID # 605. This is not a severe burden on the right. *See Silvester*, 843 F.3d at 827 (“[L]aws which regulate only the ‘manner in which persons may exercise their Second Amendment rights’ are less burdensome than those which bar firearm possession completely” (quoting *Chovan*, 735 F.3d at 1138)); *see also id.* (“The burden of [a] 10-day waiting period . . . is less than the burden imposed by contested regulations in other Ninth Circuit cases applying intermediate scrutiny.”). Intermediate scrutiny applies.

///

///

///

### ***3. Application of Intermediate Scrutiny***

“In the context of Second Amendment challenges, intermediate scrutiny requires: ‘(1) the government’s stated objective to be significant, substantial, or important; and (2) a reasonable fit between the challenged regulation and the asserted objective.’” *Fyock*, 779 F.3d at 1000 (quoting *Chovan*, 735 F.3d at 1139).<sup>8</sup> Intermediate scrutiny “does not require the least restrictive

means of furthering a given end.” *Bauer*, 858 F.3d at 1221. Rather, the law must merely “promote[] a substantial government interest that would be achieved less effectively absent the regulation.” *Fyock*, 779 F.3d at 1000 (quotation and citation omitted). It is the government’s burden to prove that both prongs of the test are satisfied. *See Chovan*, 735 F.3d at 1140-41.

The nature and quantity of the showing required by the government “will vary up or down with the novelty and plausibility of the justification raised.” *Nixon v. Shrink Mo. Gov’t PAC*, 528 U.S. 377, 391 (2000); *see also United States v. Carter*, 669 F.3d 411, 418 (4th Cir. 2012) (“[T]he Constitution does not mandate a specific method by which the government must satisfy its burden under

<sup>8</sup> This test is “imported . . . from First Amendment cases” and courts rely on First Amendment jurisprudence when applying intermediate scrutiny to Second Amendment challenges. *Silvester*, 843 F.3d at 821; *see also Jackson v. City & Cnty. of S.F.*, 746 F.3d 953, 960 (9th Cir. 2014) (“Both *Heller* and *McDonald* [*v. City of Chicago*, 561 U.S. 742 (2010)] suggest that First Amendment analogies are more appropriate, and on the strength of that suggestion, we and other circuits have already begun to adapt First Amendment doctrine to the Second Amendment context” (quoting *Ezell v. City of Chicago*, 651 F.3d 684 (7th Cir. 2011))).

heightened judicial scrutiny.”). To meet its burden, the government may resort to a wide range of sources, including “legislative text and history, empirical evidence, case law, and common sense, as circumstances and context require.” *Carter*, 669 F.3d at 418; *Jackson*, 746 F.3d at 966 (pointing to case law, empirical studies, and



legislative history as appropriate bases for demonstrating the reasonable fit between a government interest and a challenged law); *see also Lorillard Tobacco Co. v. Reilly*, 533 U.S. 525, 555 (2001) (recognizing that, in some cases, restrictions on constitutional rights may be justified “based solely on history, consensus, and ‘simple common sense’” (quoting *Florida Bar v. Went For It, Inc.*, 515 U.S. 618, 628 (1995))). But “the government must present more than anecdote and supposition.” *United States v. Playboy Ent. Grp., Inc.*, 529 U.S. 803, 822 (2000). Courts owe substantial deference to a legislature’s policy judgments; their “sole obligation is to assure that, in formulating its judgments, [the legislature] has drawn reasonable inferences based on substantial evidence.” *Turner Broad. Sys., Inc. v. F.C.C.*, 520 U.S. 180, 195 (1997).

The Government has not met its burden here. Defendant states that the 10-day permit use period furthers the “important government interest” of public safety “in that such requirements provide more effective supervision and control over the sale, transfer, and possession of firearms.” ECF No. 91-1 at PageID

# 715. It is “self-evident” that public safety is a substantial and important government interest. *Fyock*, 779 F.3d at 1000. But Defendant has failed to

demonstrate *how* the 10-day permit use period furthers that interest. To begin, the Government does not show that the legislature considered *any* evidence—let alone substantial evidence—prior to enacting the law. The Government cites only to legislative history that pronounces the public safety purpose of gun regulation generally, but provides no legislative history addressing why HRS § 134-2(e)'s 10-day permit use period, in particular, was enacted. *See* ECF No. 91-1 at PageID ## 706-09. The Government also fails to provide any legislative history addressing what evidence the legislature considered prior to enacting that requirement.<sup>9</sup> Likewise, the Government provides no empirical evidence or case law suggesting that a 10-day permit use period would enhance public safety. Indeed, as the Government conceded during oral argument, its arguments boil down to simple “common sense.”

The Government's primary common-sense argument is that a short expiry period is necessary to ensure that the information provided when an individual applies for a permit to acquire a specific handgun remains accurate

<sup>9</sup> Upon independent review, the court was unable to find any legislative history addressing the purpose behind this particular statutory provision.

when that person acquires that gun.<sup>10</sup> ECF No. 91-1 at PageID ## 718-19.

Specifically, the Government points out that information provided when an applicant applies for a permit, including the person's name, address, or appearance could change over time; or an applicant could become disqualified from owning a gun after the background check has been completed and the permit issued—including by becoming subject to a civil protective order, committing certain crimes, or being diagnosed with a significant mental disorder. *Id.* Because such changes are unlikely to occur within a mere 10 days of acquiring a permit, such a “relatively short expiration date will ensure that the information remains accurate when the person acquires [their] firearm.” *Id.* at PageID # 719. Put differently, the 10-day permit use period minimizes the probability that any changes—

<sup>10</sup> As a reminder, the handgun permitting process proceeds as follows. An applicant must:

- (1) Acquire all necessary identifying information about the firearm from the seller, including its make, model, and serial number;
- (2) Physically visit the police station to apply for a permit to acquire the firearm, including by providing the gun's make, model, and serial number, as well as personal identifying information including name, address, and physical appearance;
- (3) Wait 14 days while the police department reviews the application, conducts a background check to ensure that the individual is qualified to possess a gun, and issues the permit;
- (4) Return to the seller to present the permit and purchase the firearm within 10 days of permit issuance; and
- (5) Within five days of acquiring the firearm, bring the firearm back to the police station for a physical inspection and registration.

The Government maintains that by allowing applicants only ten days to acquire a handgun after receiving the permit, the law ensures that the information provided at step 2 and step 3 will be accurate at step 4. But the Government does not explain *how* this promotes public safety.

disqualifying or otherwise—will occur between the time that the permit issues and the time that the applicant makes use of that permit to purchase a gun.<sup>11</sup> But the Government makes no effort to explain *how* this promotes public safety—that is, why the law is a reasonable fit to its asserted objective. In absence of an explanation, the court’s best guess as to the Government’s reasoning is that the law ensures that individuals do not make use of a permit to acquire after they become disqualified from owning a gun. But that this promotes public safety is not a common-sense conclusion. In fact, the opposite could be true. By shortening the permit use period to reduce the likelihood that disqualifying changes occur before the applicant obtains the handgun, the law arguably increases the likelihood that individuals will *already* be in possession of a gun should a disqualifying change occur.<sup>12</sup> This outcome could negatively impact public safety by increasing the probability that unqualified individuals may be in possession of

<sup>11</sup> The Government additionally argues that the short permit period “minimizes the risk of an unauthorized person using [the permit] if it is lost or stolen.” ECF No. 91-1 at PageID # 716. The Government does not flesh out this argument beyond the quoted sentence—let alone provide evidence suggesting that lost or stolen permits pose a problem. Taken on its face, this argument does not make sense. HRS § 134-2(f) requires the seller to verify the permit holder’s identity prior to transferring the gun, and the Government does not explain how an unauthorized individual could make use of a permit in another’s name.

<sup>12</sup> And as Plaintiffs point out, virtually all applicants *do* make use of their permits within

the 10-day period. For example, in 2020, 95.8% of permits were used to acquire a gun within the 10-day period, while only 1.4% were voided (and 2.8% of permit applicants were denied). ECF No. 86-3 at PageID # 635. The same trend held true in 2017, 2018, and 2019. *See* ECF Nos. 86-4, 86-5, 86-6.

guns. Of course, in the absence of any *evidence* addressing the effect of the law on public safety, this is mere conjecture. Nevertheless, this conjecture demonstrates that it is not a simple matter of common sense that the 10-day permit use period promotes public safety. Finally, it is worth noting that if it really were common sense that a 10-day permit use period promoted public safety, Hawaii likely would not be the *only* state in the nation to maintain such a restrictive requirement.<sup>13</sup> The

Government has failed to show that there is a reasonable fit between their stated objective of promoting public safety and the 10-day permit use period imposed by HRS § 134-2(e). The 10-day permit use period for handguns does not survive intermediate scrutiny.<sup>14</sup>

<sup>13</sup> To be clear, the court is not suggesting that *any* permit use period would violate the Second Amendment. And, as Plaintiffs' counsel conceded at oral argument, some greater time period could pass constitutional muster. This Order, however, does not attempt to define the boundaries of a constitutional versus unconstitutional permit use period.

<sup>14</sup> Both parties spill considerable ink discussing "Rap Back"—an FBI service that informs state and local law enforcement officers when an individual subject to a criminal history record check is arrested for a criminal offense anywhere in the country. ECF No. 85-1 at PageID # 612; ECF No. 91-1 at PageID ## 717-19. Plaintiffs argue that "if the Defendant's stated interest [in the 10-day permit use requirement] is blocking a person from using a permit after committing a

felony, it is unnecessary and an additional unjustifiable burden because Rap Back provides the same ‘service.’” ECF No. 85-1 at PageID # 612. Defendant responds that Rap Back falls short of providing this service because some criminal offenses can fall through the cracks and because Rap Back does not inform law enforcement of other disqualifying events, including diagnosis with a disqualifying mental condition or entry of a civil protective order or restraining order. ECF No. 91-1 at PageID ## 717-18. But these arguments are largely irrelevant. The law does not pass intermediate scrutiny for the more fundamental reason discussed above—that the state has failed to show how the 10-day permit use period promotes public safety.

### **C. HRS § 134-3(c)’s In-Person Firearm Inspection and Registration Requirement**

#### ***1. The In-Person Firearm Inspection and Registration Requirement Is Not Longstanding and Presumptively Valid***

HRS § 134-3(c) was amended in 2020 to require in-person inspection and registration of all firearms within five days of acquiring them. The Government argues that this new in-person inspection and registration requirement is longstanding and presumptively valid because it is “part of the registration process” and “[i]n Hawaii, registration and permitting requirements, *in general*, date back to 1907 and 1919, respectively.” ECF No. 91-1 at PageID ## 722-23 (emphasis added). This argument fails. Although certain registration requirements may be longstanding, it does not follow that *all* registration requirements are. And the Government has provided absolutely no evidence suggesting that in-person inspection and registration was historically understood as an appropriate regulation on the right to bear arms.

In its Amicus Brief, Everytown argues that the State’s in-person

inspection and registration requirement falls outside the scope of the Second Amendment as “part of a longstanding regulatory tradition” because it is of a kind with 18th century militia laws. ECF No. 94-1 at PageID # 866. Those laws required individuals enlisted in state militias—“white men in a specified age range”—to maintain their own arms and “provided for in-person inspection to

ensure that militiamen were prepared and properly armed if called up to fight.” *Id.* at PageID ## 871, 873. Everytown cites to a variety of state militia laws, as well as federal Militia Acts. *Id.* at PageID ## 872-77. In general, as Everytown explains, these laws required periodic inspections of militiamen’s weaponry, with some laws requiring military officials to keep a record of the weapons held by men in their company. *Id.* Everytown concludes that “[t]he ubiquity of these militia inspection laws means that ordinary citizens in the founding era would have understood a requirement to present arms for inspection to be well within the government’s power—and thus outside the scope of the Second Amendment.” *Id.* at PageID # 877.

But the purpose and scope of these colonial-era militia laws are too dissimilar to the State of Hawaii’s current registration requirement to support such a finding. Although a law need not have a “precise founding-era analogue” in order to be

deemed presumptively valid, *Fyock*, 779 F.3d at 997 (quotation and citation omitted), the law must be sufficiently similar to historical regulations to demonstrate that the law's restrictions accord with historical understanding of the scope of the Second Amendment right. *Young*, 992 F.3d at 783.

In the 18th century, state militias were a primary part of the United States armed forces. And, as Everytown itself explains, the purpose of the militia laws was to ensure that the armed forces maintained weapon stockpiles suitable for

the nation's defense and warfare needs. ECF No. 94-1 at PageID # 873.

Accordingly, many of these laws did not require individuals to register their weapons upon acquiring them, but instead to periodically demonstrate that they maintained weapons of appropriate caliber for military activity. *Id.* at PageID ## 873-75. Moreover, each law that Everytown cites applied *only* to individuals who were enlisted in the militia and to the guns that they possessed for military purposes; Everytown has pointed to no law that required in-person inspection and registration of firearms held by civilians in their personal capacity.

HRS § 134-3(c)'s in-person inspection and registration requirement does not fall within the historical tradition of these 18th century militia laws. Whereas militia laws applied only to militiamen, HRS § 134-3(c)'s requirement applies to all



civilians who wish to acquire a handgun for personal use. Likewise, the purpose of the militia inspection laws was to ensure that soldiers had the correct weapons for duty and that those weapons were appropriately maintained for battle. ECF No. 94-1 at PageID ## 872-77. In contrast, HRS § 134-3(c)'s requirement is meant to serve the Government's interest—not in military preparedness—but in protecting public safety through “more effective supervision and control over the sale, transfer, and possession of firearms.” ECF No. 91-1 at PageID # 724. And, most significantly, the militia laws did not place a burden on any individual's ability to *acquire* a weapon. Indeed, militiamen were *required* to

possess weapons. In contrast, the State of Hawaii's law places a burden on the right to acquire handguns by requiring compliance with the in-person inspection and registration requirement in order for civilians to legally possess firearms in the first instance.

Given these considerable differences, the State of Hawaii's in-person inspection and registration requirement for civilian firearms cannot be said to fall within the historical tradition of colonial-era laws requiring inspection of what were effectively the military weapon stockpiles of the day. On the record before the court, HRS § 134-3(c)'s in-person inspection and registration requirement

cannot be considered longstanding and presumptively valid at the first step of the analysis. *See, e.g., Bauer*, 858 F.3d at 1221.

## ***2. Intermediate Scrutiny Applies***

Having determined that HRS § 134-3(c)'s in-person inspection and registration requirement implicates the right to bear arms, the court next considers the appropriate level of scrutiny to apply. As with the 10-day permit use period, the parties agree that the law does not destroy the core of the Second Amendment right, and Defendant concedes that “the core of the Second Amendment is presumably implicated since Plaintiffs state that they want to purchase handguns.” ECF No. 91-1 at PageID # 723. Thus, the choice is again one between strict and intermediate scrutiny.

Intermediate scrutiny is plainly the appropriate standard to apply because the law does not severely burden the right to bear arms. HRS § 134-3(c) is a gun registration requirement. The Ninth Circuit has consistently held that “gun registration requirements do not severely burden the Second Amendment because they do not ‘prevent an individual from possessing a firearm in his home or elsewhere.’” *Pena*, 898 F.3d at 977 (quoting *Heller v. District of Columbia*, 670 F.3d 1244, 1258 (D.C. Cir. 2011) (“*Heller II*”). Finally, factually, the only burden

alleged by Plaintiffs is, again, that they “are required to take time off work to make their firearms purchase in quick succession.” ECF No. 85-1 at PageID # 605. This is not a severe burden. Intermediate scrutiny applies.

### ***3. Application of Intermediate Scrutiny***

To survive intermediate scrutiny, the Government must demonstrate a “significant, substantial, or important” government interest and must show that there is a “reasonable fit between the challenged regulation and the asserted objective.” *Fyock*, 779 F.3d at 1000. Here, the Government’s asserted interest is once again public safety. “More specifically, the ‘significant, substantial, or important’ government objective in requiring people to bring the firearm to the registration is that it ensures that the registration information is accurate, it ensures that the firearm complies with Hawaii law, and it confirms the identity of the

firearm so as to facilitate tracing by law enforcement.” ECF No. 91-1 at PageID ## 724-25.

But, once again, while public safety interests are legitimate, *Fyock*, 779 F.3d at 1000; *United States v. Marzzarella*, 614 F.3d 85, 98 (3d Cir. 2010), the Government wholly fails to demonstrate *how* the in-person inspection and

registration requirement furthers these interests. It merely states that “ensuring that the registration information is accurate, ensuring that the firearm complies with Hawaii law, and confirming the identity of the firearm can be easily accomplished simply by bringing the firearm to the registration for inspection.” ECF No. 91-1 at PageID # 725.

This bald statement is not enough to meet the Government’s burden. “To survive intermediate scrutiny, the defendants must show ‘*reasonable* inferences based on *substantial* evidence’ that the statutes are substantially related to the governmental interest.” *N.Y. State Rifle & Pistol Ass’n, Inc. v. Cuomo*, 804 F.3d 242, 264 (2d Cir. 2015) (quoting *Turner Broad.*, 520 U.S. at 666); *Heller II*, 670 F.3d at 1259 (same). Here, the Government has provided no evidence whatsoever in support of its position. The Government has provided no legislative history speaking to the legislature’s reasons for amending the statute.<sup>15</sup> It has not

<sup>15</sup> Though not proffered by the Government, the court has reviewed the legislative history related to the 2020 amendment of HRS § 134-3(c). This history reveals that the legislature (continued . . . )

shown that inaccurate registration was a problem affecting public safety (or even a problem at all) prior to enactment of the 2020 in-person inspection and registration requirement, nor has it provided any studies, examples from other jurisdictions, or

any other type of evidence suggesting that an in-person inspection and registration requirement would ameliorate such a problem.

In absence of concrete evidence, the only support that the Government offers is conjecture. Defendant asserts that in-person inspection and registration promotes public safety by requiring that the police directly inspect the serial number on the gun itself, rather than the number as reported by the buyer and (separately) by the seller on the permit. *See* HRS § 134-2(f). Specifically, the Government speculates that “[s]ome people might innocently make mistakes in transcribing serial numbers or other identifying information” or may be unaware that their gun’s identifying marks or other attributes have been impermissibly

amended § 134-3 in 2020 primarily to address concerns around ghost guns—firearms that are assembled “without serial numbers or other identification markings.” Stand. Com. Rep. No. 685-20 (Feb. 19, 2020). The legislature was concerned because “individuals who are otherwise prohibited from owning or possessing firearms under state law can assemble these ‘ghost guns,’ thereby bypassing background checks, registration, and other legal requirements.” *Id.* But while the legislature made two amendments specifically related to ghost guns, the amendment to require in-person inspection and registration appears unrelated. It addresses requirements for individuals who register their firearms legally, not the issue of individuals attempting to bypass legal registration with ghost guns. Rather, this amendment appears to fall into a separate, secondary reason for amending the statute: to “[a]mend certain requirements relating to firearms registration.” *See* Stand. Com. Rep. No. 3557 (May 19, 2020); Stand. Com. Rep. No. 3729 (June 30, 2020). But this does not reveal the purpose of the in-person inspection and registration requirement, nor could the court locate any additional legislative history—whether from 2020 or previous sessions—addressing the purpose of this requirement.

altered. ECF No. 91-1 at PageID # 720. And, the Government hypothesizes,

individuals may not be aware of these errors or inconsistencies until they bring their firearm to the police station to have it physically inspected. *Id.* But this hypothetical falls short under intermediate scrutiny. To meet its burden, the Government must “present some meaningful evidence, not mere assertions, to justify its predictive judgments.” *Heller II*, 670 F.3d at 1259 (striking down a gun registration law where the government failed “to present any data or other evidence to substantiate its claim that these requirements can reasonably be expected to promote . . . the important governmental interests it has invoked”).<sup>16</sup>

Thus, it once again appears that the Government’s only permissible argument is that common sense shows the law is reasonably related to its interest in promoting public safety. But the notion that in-person inspection and registration promotes public safety is not a matter of common sense. First, as stated above, in the absence of any evidence to that end, it is not a common-sense conclusion that mistakes in registration were a problem prior to enactment of the

<sup>16</sup> The Government also argues that the in-person inspection and registration requirement provides a benefit to new gun owners in that it affords them a presumption of innocence in the event the firearm’s identifying marks are discovered to be altered after the registration process is complete. Again, this argument is based on mere supposition. *See* ECF No. 91-1 at PageID ## 725-26 (speculating that a “new owner could be accused of the alteration at some point in the distant future when the alteration is finally discovered” and that “in-person inspection at registration sets a ‘base line’ that protects the new owner”). Moreover, any secondary benefits the law allegedly affords gun owners is irrelevant in the context of this constitutional challenge; the question is only whether the law is reasonably tailored to meet the asserted government interest.

in-person inspection and registration requirement. Indeed, there is redundancy built into the registration process even without the in-person requirement—both the firearm seller and buyer must provide the serial number and other identifying information about the firearm. As Plaintiffs point out, “it strains credulity that both a firearms store and a buyer would both fail to properly transcribe numbers or realize” that the gun has been impermissibly altered.<sup>17</sup> ECF No. 95-1 at PageID # 941.

Second, as the D.C. Circuit pointed out in *Heller v. District of Columbia*, 801 F.3d 264 (D.C. Cir. 2015) (“*Heller IV*”), requiring individuals to bring firearms into the police station for in-person inspection and registration may “more likely be a threat to public safety [because] there is a risk that the gun may be stolen en route or that the would-be registrant may be arrested or even shot by a police officer seeing a ‘man with a gun.’” *Id.* at 277 (internal citation and quotation omitted). While these possibilities—like the Government’s hypothetical about mistaken transcription—are no more than conjecture, they demonstrate that it is not a simple matter of common sense that in-person inspection and registration promotes public safety.

<sup>17</sup> This is especially true given that the Second Amendment protects the rights of “law

abiding, responsible citizens.” *Heller*, 554 U.S. at 635.

Finally, it is again worth noting that Hawaii is the *only* state in the country to require in-person inspection and registration of firearms. ECF No. 85-1 at PageID # 614. As in the case of the 10-day permit use period, if it were truly a matter of common sense that in-person inspection and registration promoted public safety—or that misidentification in the absence of in-person inspection and registration was a problem—one would expect additional states to maintain similar requirements. The Government has failed to show that the in-person inspection and registration requirement is reasonably tailored to a significant, substantial, or important government interest. HRS § 134-3(c)’s in-person inspection and registration requirement does not survive intermediate scrutiny.

## **V. CONCLUSION**

For the foregoing reasons, Plaintiffs’ Motion for Summary Judgment is GRANTED and Defendant’s Counter Motion for Summary Judgment is DENIED.

HRS § 134-2(e)’s requirement that “[p]ermits issued to acquire any pistol or revolver shall be void unless used within ten days after the date of issue” is declared unconstitutional in violation of the Second Amendment. Defendant’s officers, agents, servants, employees, and all persons in active concert or



participation with Defendant are permanently enjoined from enforcing HRS

§ 134-2(e)'s 10-day permit use requirement for handguns. To be clear, no other language in HRS § 134-2(e) is found unconstitutional.

HRS § 134-3(c)'s requirement that, with the exception of certain licensed dealers, “[a]ll other firearms and firearm receivers registered under [HRS § 134] shall be physically inspected by the respective county chief of police or the chief’s representative at the time of registration” is unconstitutional in violation of the Second Amendment. Defendant’s officers, agents, servants, employees, and all persons in active concert or participation with Defendant are permanently enjoined from enforcing HRS § 134-3(c)'s in-person firearm inspection and registration requirement. To be clear, no other language in HRS § 134-3(c) is found unconstitutional.

///

///

///

///

///

///

///

///

///

Pursuant to the parties' Stipulation, ECF No. 106, and Federal Rule of Civil Procedure 58(b), entry of separate judgment in this action will be delayed until September 15, 2021. The Order shall not take effect and shall not be appealable until the separate judgment is entered. The Clerk's Office shall not close the case file at this time.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, August 16, 2021.

/s/ J. Michael Seabright  
J. Michael Seabright  
Chief United States District Judge

*Yukutake v. Connors*, Civ. No. 19-00578 JMS-RT, Order Granting Plaintiffs' Motion for Summary Judgment and Denying Defendant's Counter Motion for Summary Judgment

**SB-3043**

Submitted on: 2/1/2022 9:19:23 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Marcus Tanaka	Individual	Oppose	Yes

Comments:

I OPPOSE this bill because a judge already ruled with the Yukutake etal. lawsuit about bringing in the firearm in person to register it when not from out of state. So this bill as written would violate the judges order and cost the state more tax payers money defending against another unecessary lawsuit.

If all firearms in HI are supposed to be registered, then why would a person to person sale need to show the firearm when re-registering to it's new owner? The state even admitted during the hearing that they had no evidence that bringing in the firearm to register made any difference in crime.

Also by requiring person to person sales to bring in the firearm, this would also cost tax payers more because more staffing would have to be allocated to proccesing these types of transactions. Compared to reducing staff or allocating HPD officers else where since it should be be able to be done online.

Senator Clarence K. Nishihara, Chair  
Senator Lynn DeCoite, Vice Chair  
Committee on Public Safety, Intergovernmental, and Military Affairs  
Hearing: Thursday, February 03, 2022, at 1:10 p.m.  
Regarding: **SB 3043 (Relating to Firearms)**  
**Voter Position: OPPOSITION**

Senators,

I express my **firm opposition** to **SB 3043 (Relating to Firearms)**. The blatant attempt to reintroduce a physical firearm inspection requirement abrogates the ruling set forth by the United States District Court for the District of Hawaii in Yukutake v. Connors, Civ No. 19-00578 JMS-RT (D. Haw. Aug. 16, 2021).

**Redundancy Does not Significantly Increase Public Safety**

The *National Firearms Act* already imposes a requirement whereby manufacturers, importers, or makers of a firearm must legibly identify a firearm with a serial number that **cannot** be obliterated, altered, removed, or be duplicative of another firearm.

§ 479.102 How must firearms be identified?

(a) You, as a manufacturer, importer, or maker of a firearm, must legibly identify the firearm as follows:

(1) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof an individual serial number. The serial number must be placed in a manner **not susceptible of being readily obliterated, altered, or removed, and must not duplicate any serial number placed by you on any other firearm.** For

Source: <https://www.atf.gov/file/58141/download>

This provision, therefore, ensures that the serial number of a firearm is accurate and unaltered at all times; Hawaii's attempt to require an in-person inspection of a firearm that already complies with the requirements of established federal code is an unnecessary redundancy. Any deviation from this federal provision prevents the transfer of a firearm to the state of Hawaii and accordingly, means that the firearm in question will pose no threat to public safety. A duplication of effort does not constitute public safety enhancement.

## **Proposed Provisions Do Not Stop Criminal Activities**

Criminals, by their very definition, will not comply with any provisions set forth by **SB 3043**. Criminals will simply continue to threaten public safety with their criminal activities, unless they are stopped by a law enforcement officer. Moreover, as required by the proposed **SB 3043**, a police representative that merely examines a firearm and reaffirms information already present on a firearm does not affect an individual's will or conscience. The threat to public safety caused by criminal activity requires a different legislative mechanism of law enforcement which cannot be fulfilled with the amendments proposed by **SB 3043**.

## **Focus on the True Threat to Public Safety: COVID-19**

We are still in the midst of a pandemic. The fact that the Legislature continues to keep its physical doors closed to the public serves as concrete evidence that COVID-19 is the most dominant and persistent threat to public safety. With the spread of a new COVID-19 mutation known as *BA.2*, otherwise known as *stealth omicron*, it is clear that additional firearm regulations will not effectively mitigate the spread of a transmittable virus. The in-person presentation of a firearm, as proposed in **SB 3043**, forces firearm owners to expose themselves to other individuals who may unknowingly be infected with the so-called stealth omicron COVID-19 virus whenever they visit a police facility for in-person firearm inspection. Such forced exposure contradicts the very core tenants of public safety.

Omicron BA.2 is "substantially more transmissible than BA.1," the researchers concluded, adding that the sub-variant has properties that can reduce the protection against infection offered by vaccines.

**Source:** <https://www.forbes.com/sites/roberthart/2022/02/01/heres-what-we-know-about-stealth-omicron-ba2---the-more-infectious-subvariant-better-able-to-infect-vaccinated-people/?sh=39f67284ab5e>

It is important to think of the overall welfare of Hawaii's citizens. Investing in pandemic relief measures demonstrates that members of this committee and by extension, the entire Legislature of Hawaii actually care about public safety. Such emphasis on public safety is repeatedly mentioned in Section 1 of **SB 3043** and accordingly requires the implementation of legislation that substantively ensures public safety. The expedited passage of other proposed measures that counter the real threat of COVID-19 demonstrates fulfillment of this goal.

Thank you for taking the time to review this testimony.

Respectfully,

Ryan C. Tinajero

Constituent of **Senate District 23**

**SB-3043**

Submitted on: 1/31/2022 6:19:29 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michael I Rice	Individual	Oppose	Yes

Comments:

I strongly OPPOSE this legislation. This bill seeks to do things that have already been found unconditional by a higher court. It attempts to require people to register a firearm in person rather than through the current process online and does nothing against actual criminals. Before the recent court findings, it was quite a hassle to not only get a permit but to register a firearm. The requirement also opens up the potential for gun owners to be targeted by thieves as they go to register their weapons. My own brother was assaulted by a homeless person while waiting inside the police station to register a handgun before the court ruling. This also puts people at unnesiscary risk of catching and spreading COVID19.

# TESTIMONY OF ANDREW NAMIKI ROBERTS

I oppose the SB3043 bill as currently written.

**Summary: The bill is in violation of a Judge's orders in a federal lawsuit won last year. The lawsuit is ongoing and is currently on appeal in the 9th circuit court of appeals. The changes being proposed to the registration system are in direct violation of the judge's order.**

To the members of the Committee for Public Safety, Intergovernmental, and Military Affairs.

Last Year Hawaii Firearms Coalition Director, Todd Yukutake won a lawsuit against the state of Hawaii regarding the wording and implementation of its registration system.

A Judge for the Hawaii District Federal Court ruled that the expiration of pistol permits after ten days, the requirement that a person is present at the police station to register a firearm, and the inspection of a firearm to register were unconstitutional.

SB3043 attempts to work around the federal Judge's order and re-implement previously ruled-against parts of the law. It would reinstate the requirement to bring firearms to the police station and be present for registration for all but a narrow number of purchasers who buy a firearm from a local FFL (federally licensed firearms dealer).

The justifications used in this bill are the exact same reasons the state attorney general office attempted to use in the current lawsuit (on appeal with the 9th circuit court of appeals), all of which were rejected by the Judge.

*"the Government wholly fails to demonstrate how the in-person inspection and registration requirement furthers these interests. It merely states that "ensuring that the registration information is accurate, ensuring that the firearm complies with Hawaii law, and confirming the identity of the firearm can be easily accomplished simply by bringing the firearm to the registration for inspection." "*  
*Case 1:19-cv-00578-JMS-RT Document 107 Filed 08/16/21 Page 27 of 33*

*"The Government has failed to show that the in-person inspection and registration requirement is reasonably tailored to a significant, substantial, or important government interest. HRS § 134-3(c) 's in-person inspection and registration requirement do not survive intermediate scrutiny."*  
*Case 1:19-cv-00578-JMS-RT Document 107 Filed 08/16/21 Page 31 of 33*



From the small excerpts above, it is clear that any attempt to re-implement the law/policy for in-person registration and inspection would directly violate the Judge's order. The state of Hawaii currently has the case on appeal with the 9th circuit. As such, it would be foolhardy to go ahead and make any changes to Hawaii's registration law in this way.

Currently, the county police departments are registering firearms online, via phone, and e-mail, and there have not been any problems indicated by the counties that would justify this law change. In fact, when paired with the Honolulu police department e-mailing permits, the entire firearms process has become streamlined.

IF any changes are to be made to the registration process, it should be that firearms are registered at the state level, online, or at the time of purchase (from an FFL). The Hawaii Criminal Justice Data Center should be employed to handle registration and, as such, create a central database with limited access for genuine law enforcement needs.

Although I am opposed to a permitting system in its entirety and believe that background checks should be handled as they are in every other state (at time of purchase). I do support amendments to HRS134-3 that extended the period for which a handgun permit is valid; extending the permit to 30 days allows a person more time to pick up their firearm when it is convenient to them.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

TODD YUKUTAKE, ET AL.,

Plaintiffs,

vs.

CLARE E. CONNERS,

Defendant.

Civ. No. 19-00578 JMS-RT

ORDER GRANTING PLAINTIFFS'  
MOTION FOR SUMMARY  
JUDGMENT AND DENYING  
DEFENDANT'S COUNTER  
MOTION FOR SUMMARY  
JUDGMENT

**ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY  
JUDGMENT AND DENYING DEFENDANT'S COUNTER MOTION FOR  
SUMMARY JUDGMENT**

**I. INTRODUCTION**

Plaintiffs Todd Yukutake and David Kikukawa (“Plaintiffs”) are firearm owners living on Oahu. They bring suit against State of Hawaii Attorney General Clare E. Connors in her official capacity (“Defendant” or “the Government”) arguing that two State of Hawaii firearm laws violate the Second Amendment. The first, Hawaii Revised Statutes (“HRS”) § 134-2(e), requires, in relevant part, that individuals purchase a handgun (i.e., a pistol or revolver) within 10 days of obtaining a permit to acquire. The second, HRS § 134-3(c), requires, in relevant part, that individuals physically bring their firearm to the police department for in-person inspection and registration within five days of acquiring

it. ECF No. 85. Currently before the court are Plaintiffs' Motion for Summary Judgment and Defendant's Counter Motion for Summary Judgment, ECF No. 91.

The challenged provisions in both HRS § 134-2(e) and HRS § 134-3(c) are not longstanding and impose only a moderate burden on the right to bear arms. As such, both provisions are subject to intermediate scrutiny. And because the Government has entirely failed to demonstrate how each law effectuates its asserted interest in public safety, neither law can pass constitutional muster under this standard of review. Plaintiffs' Motion for Summary Judgment is GRANTED and Defendant's Counter Motion for Summary Judgment is DENIED.

To be clear, this Order affects only these two discrete provisions of the State of Hawaii's firearm scheme; no other aspect of the State's firearm regulatory scheme is challenged or addressed in this Order.

## **II. BACKGROUND**

Plaintiffs are residents of the City and County of Honolulu. ECF No. 78 at PageID # 557. Both legally own multiple firearms and wish to legally acquire additional guns, including handguns. *Id.* at PageID ## 567-69. They allege that certain provisions of two State of Hawaii firearm laws, HRS §§ 134-2(e) and 134-3(c), violate their Second Amendment right to bear arms. *Id.* at PageID # 570.

HRS § 134-2(e) provides, in relevant part, that “[p]ermits issued to acquire any pistol or revolver [i.e., handguns] shall be void unless used within ten days after the date of issue.” And HRS § 134-3(c) provides, in relevant part, that firearms “shall be physically inspected by the respective county chief of police or the chief’s representative at the time of registration.”<sup>1</sup> Plaintiffs allege that both laws infringe on the Second Amendment right to bear arms because “people who wish to own a firearm, including the litigants in this matter, must take time off work to complete the lengthy application process.” ECF No. 78 at PageID # 562. To legally possess a firearm, applicants must complete that application process,<sup>2</sup> which consists of the following steps:

- (1) In the case of handguns, acquire all necessary identifying information about the firearm from the seller, including its make, model, and serial number;
- (2) Physically visit the police station to apply for a permit to acquire the firearm, including by providing personal identifying

---

<sup>1</sup> Firearms dealers licensed under State of Hawaii law or by the United States Department of Justice are exempt from this in-person registration and inspection requirement. *See* HRS § 134-3(c) (“Dealers licensed under section 134-31 or dealers licensed by the United States Department of Justice shall register firearms pursuant to this section on registration forms prescribed by the attorney general and shall not be required to have the firearms physically inspected by the chief of police at the time of registration.”).

<sup>2</sup> Before undertaking the listed steps, first-time applicants for a firearm are required to take a safety course. Individuals applying for additional guns need not take the safety course again. HRS § 134-2(g).

information, including name, address, and physical appearance;  
and, in the case of handguns, the gun's make, model, and serial  
number;

- (3) Wait 14 days while the police department reviews the application, conducts a background check to ensure that the individual is qualified to possess a gun, and issues the permit;
- (4) Return to the seller to present the permit and finalize the purchase of the firearm. Applicants must purchase the firearm within 10 days of permit issuance in the case of a handgun and within a year of permit issuance in the case of a long gun. HRS § 134-2(e);<sup>3</sup> and
- (5) Within five days of acquiring the firearm, bring the firearm back to the police station for a physical inspection and registration, including by providing the firearm's make, model, and serial number. HRS § 134-3(c).<sup>4</sup>

On October 30, 2020, Plaintiffs filed a First Amended Complaint against Defendant in her official capacity as State Attorney General, challenging

---

<sup>3</sup> Plaintiffs do not challenge the constitutionality of the one-year permit use period for long guns.

<sup>4</sup> At the June 28, 2021 hearing, both Plaintiffs' counsel and Defendant's counsel agreed that these are the steps an applicant must complete to acquire a firearm in the State of Hawaii. ECF No. 102.

the constitutionality of HRS § 134-2(e)'s 10-day permit use period for handguns and HRS § 134-3(c)'s in-person inspection and registration requirement for firearms.<sup>5</sup> ECF No. 78. That same day, the court stayed and administratively closed the case pending issuance of the Ninth Circuit's en banc opinion in *Young v. State of Hawaii*, No. 12-17808. ECF No. 79.

On March 24, 2021, the Ninth Circuit issued its decision in *Young*. 992 F.3d 765 (9th Cir. 2021). The next day, March 25, 2021, the court lifted the stay and reopened this case. ECF No. 80. On April 28, 2021, Plaintiffs filed a Motion for Summary Judgment, ECF No. 85. And on May 28, 2021, Defendant filed a Counter Motion for Summary Judgment, ECF No. 91. Plaintiffs filed a "Reply and Opposition" to Defendant's Counter Motion on June 7, 2021, ECF No. 95, and Defendant filed a Response in support of the Counter Motion and in Opposition to Plaintiff's Motion on June 14, 2021, ECF No. 99. On June 15, 2021,

---

<sup>5</sup> Plaintiffs' initial Complaint asserted facial and as-applied challenges against both Defendant and the City and County of Honolulu. ECF No. 1 (filed October 24, 2019). When Plaintiffs initiated their lawsuit, HRS § 134-3(c) did not expressly require in-person inspection and registration of firearms. But the Honolulu Police Department ("HPD") had implemented § 134-3 by requiring applicants to register their firearms in person. *See* ECF No. 1 at PageID # 4.

On June 9, 2020, Plaintiffs and the City and County of Honolulu reached a settlement agreement, with the City and County agreeing to extend the hours of the Firearms Unit and to issue permits via email rather than requiring applicants to come to the station to physically pick up their permits. ECF No. 52; ECF No. 78 at PageID # 561 (describing conditions of settlement). On June 12, 2020, the parties stipulated to dismissal with prejudice of all claims against the City and County, ECF No. 53. Shortly thereafter, on July 10, 2020, the Hawaii State Legislature amended HRS § 134-3(c) to affirmatively require in-person inspection and registration of firearms. *See* H.B. 2744, H.D. 1 S.D. 2, 30th Leg., Reg. Sess. (enacted Sept. 16, 2020).

the court granted Everytown for Gun Safety (“Everytown”) leave to file a brief as amicus curiae. ECF No. 100. A hearing was held on June 28, 2021. ECF No. 102.

### **III. STANDARD OF REVIEW**

Summary judgment is proper where there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a); *see also, e.g., Sandoval v. Cnty. of San Diego*, 985 F.3d 657, 665 (9th Cir. 2021). Rule 56(a) mandates summary judgment “against a party who fails to make a showing sufficient to establish the existence of an element essential to the party’s case, and on which that party will bear the burden of proof at trial.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986); *see also Nissan Fire & Marine Ins. Co. v. Fritz Cos., Inc.*, 210 F.3d 1099, 1103 (9th Cir. 2000).

“The party moving for summary judgment bears the initial burden of identifying those portions of the pleadings, discovery and affidavits which demonstrate the absence of a genuine issue of material fact.” *Olivier v. Baca*, 913 F.3d 852, 857 (9th Cir. 2019) (citing *Celotex*, 477 U.S. at 323). Where the moving party does not have the ultimate burden of persuasion at trial, they bear both the initial burden of production and the ultimate burden of persuasion on their motion for summary judgment. *Friedman v. Live Nation Merch., Inc.*, 833 F.3d 1180, 1188 (9th Cir. 2016) (citing *Nissan Fire*, 210 F.3d at 1102).

“‘[W]hen the moving party has carried its burden under Rule 56[(a)], its opponent must do more than simply show that there is some metaphysical doubt as to the material facts,’” but must come forward with specific facts showing that there is a genuine dispute for trial. *Scott v. Harris*, 550 U.S. 372, 380 (2007) (quoting *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87 (1986)). “[A]t least some ‘significant probative evidence’” must be produced. *Hexcel Corp. v. Ineos Polymers, Inc.*, 681 F.3d 1055, 1063 (9th Cir. 2012) (citing *T.W. Elec. Serv., Inc. v. Pac. Elec. Contractors Ass’n*, 809 F.2d 626, 630 (9th Cir. 1987)). “‘If the evidence is merely colorable, or is not significantly probative, summary judgment may be granted.’” *United States ex rel. Kelly v. Serco, Inc.*, 846 F.3d 325, 329-30 (9th Cir. 2017) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249-50 (1986)); *Addisu v. Fred Meyer, Inc.*, 198 F.3d 1130, 1134 (9th Cir. 2000) (“A scintilla of evidence or evidence that is merely colorable or not significantly probative does not present a genuine issue of material fact.”); *see also Friedman*, 833 F.3d at 1185 (citing *McIndoe v. Huntington Ingalls Inc.*, 817 F.3d 1170, 1173 (9th Cir. 2016)).

For purposes of Rule 56(a), a dispute is genuine only if there is a sufficient evidentiary basis on which “a reasonable jury could return a verdict for the nonmoving party,” and a dispute of fact is material only if it could affect the outcome of the suit under the governing law. *Momox-Caselis v. Donohue*, 987



F.3d 835, 841 (9th Cir. 2021) (citing *Anderson*, 477 U.S. at 248). When considering the evidence on a motion for summary judgment, the court must draw all reasonable inferences in the light most favorable to the nonmoving party.

*Rookaird v. BNSF Ry. Co.*, 908 F.3d 451, 459 (9th Cir. 2018).

#### IV. ANALYSIS

Plaintiffs challenge the constitutionality of both the State of Hawaii's 10-day use period for permits to acquire handguns under HRS § 134-2(e) and its requirement that all firearms be inspected and registered in-person under HRS § 134-3(c). Both requirements are subject to intermediate scrutiny, and both fail to pass constitutional muster under that standard of review.<sup>6</sup>

##### A. **Second Amendment Standards**

The Second Amendment 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.” In *District of Columbia v. Heller*, 554 U.S. 570

---

<sup>6</sup> Plaintiffs assert that they are bringing both facial and as-applied challenges, while Defendant argues that Plaintiffs relinquished their as-applied challenges when they settled their claims against the City and County of Honolulu. But, as set forth in more detail below, both challenged provisions are facially unconstitutional. Thus, the court need not consider whether Plaintiffs have preserved their as-applied challenges. See *Hoye v. City of Oakland*, 653 F.3d 835, 857 (9th Cir. 2011) (explaining that because “[f]acial and as-applied challenges differ *in the extent* to which the invalidity of a statute need be demonstrated’ . . . the substantive legal tests used in the two challenges are ‘invariant’” (quoting *Legal Aid Servs. of Oregon v. Legal Servs. Corp.*, 608 F.3d 1084, 1096 (9th Cir. 2010))); see also *Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 331 (2010) (explaining that the distinction between facial and as-applied challenges “goes to the breadth of the remedy employed by the Court, not what must be pleaded in a complaint,” with an as-applied challenge offering a “narrower remedy” than a facial challenge (quoting *United States v. Treasury Emps.*, 513 U.S. 454, 478 (1995))).

(2008), the Supreme Court engaged in its “first in-depth examination of the Second Amendment.” *Id.* at 635. The Court determined that “the right to keep and bear arms is an individual right held by the people, and not limited by the prefatory clause—‘a well regulated Militia’—only to ‘the right to possess and carry a firearm in connection with militia service.’” *Young*, 992 F.3d at 782 (quoting *Heller*, 554 U.S. at 596, 577, 599). The Court further determined that the right to bear arms was not created by the Constitution, but rather that the Second Amendment codified a pre-existing right “inherited from our English ancestors.” *Heller*, 554 U.S. at 599. And the Court identified the “core” of the Second Amendment as “the right of law-abiding, responsible citizens to use arms in defense of hearth and home.” *Id.* at 635.

*Heller* also set forth a framework for determining whether a law impermissibly infringes on Second Amendment rights. First, *Heller* indicated that “determining the scope of the Second Amendment’s protections requires a textual and historical analysis of the amendment.” *United States v. Chovan*, 735 F.3d 1127, 1133 (9th Cir. 2013) (summarizing *Heller*). And while the Court declined to undertake such an “exhaustive historical analysis” in its opinion, it identified certain “longstanding prohibitions” on the possession of firearms as “presumptively lawful,” including “bans on possession by felons and the mentally

ill; bans on possession in sensitive places; and regulations on the commercial sale of firearms.” *Young*, 992 F.3d at 782 (citing *Heller*, 554 U.S. at 626-27).

Second, *Heller* provided guidance for courts reviewing laws that do not qualify as longstanding and presumptively lawful. The Court explained that an outright ban of firearms in the home violates the Second Amendment under any level of scrutiny. *Heller*, 554 U.S. at 628. And while the Court left discussion of the precise level of scrutiny applicable to Second Amendment challenges to a later day, it expressly “reject[ed] a rational basis standard of review, thus signaling that courts must at least apply intermediate scrutiny.” *Silvester v. Harris*, 843 F.3d 816, 820 (9th Cir. 2016) (summarizing *Heller*).

The Ninth Circuit—along with the majority of other circuit courts—has adopted a two-step inquiry to implement the *Heller* framework. At the first step, courts “ask if the challenged law affects conduct that is protected by the Second Amendment.” *Young*, 992 F.3d at 783. That is, courts ask whether the law “is one of the presumptively lawful . . . measures identified in *Heller*, or whether the record includes persuasive historical evidence establishing that the [law] at issue imposes prohibitions that fall outside the historical scope of the Second Amendment.” *Bauer v. Becerra*, 858 F.3d 1216, 1221 (9th Cir. 2017) (internal quotation and citation omitted).

If the law is found to burden conduct protected by the Second Amendment at step 1, courts proceed to step 2 to determine what level of scrutiny to apply. In undertaking this inquiry, courts assess “(1) how close the challenged law comes to the core of the Second Amendment right, and (2) the severity of the law’s burden on that right.” *Id.* at 1221-22. A law is unconstitutional under any level of scrutiny if it so severely restricts the “core” right of self-defense of the home that it “amounts to a destruction of the Second Amendment right.” *Id.* at 1222. “Further down the scale,” a law that “implicates the core of the Second Amendment right and severely burdens that right warrants strict scrutiny.” *Id.* “Otherwise, intermediate scrutiny is appropriate.” *Id.* The Ninth Circuit’s “post-*Heller* decisions generally have applied intermediate scrutiny to firearms regulations.” *Pena v. Lindley*, 898 F.3d 969, 977 (9th Cir. 2018) (collecting cases).

**B. HRS § 134-2(e)’s 10-Day Permit Use Period**

***1. The 10-Day Permit Use Period Is Not Longstanding and Presumptively Valid***

Defendant argues that HRS § 134-2(e)’s 10-day permit use period is longstanding and presumptively valid because it is a “condition[] and qualification[] on the commercial sale of arms” that “dates back to 1933-1934.”

ECF No. 91-1 at PageID ## 712-13.<sup>7</sup> In support of this argument, Defendant points to “similar laws” that were passed in four other states—Arkansas, Massachusetts, Missouri, and Michigan—“during that [same] era” (i.e., the 1930s). ECF No. 91-1 at PageID # 713; *see also* ECF Nos. 92-16, 92-17, 92-18, 92-19. But a handful of similar laws from the 1930s, without more, is insufficient to establish that the State of Hawaii’s law belongs to a “longstanding” historical tradition of “presumptively lawful” firearm prohibitions. *Young*, 992 F.3d at 783.

*Young* clarified the test for whether a law is “longstanding and presumptively lawful,” explaining that the *purpose* of conducting the historical analysis is to determine whether the challenged law falls within the scope of the right as it was understood during the founding era. *Id.* That is, “[l]aws restricting conduct that can be traced to the founding era and are historically understood to fall outside of the Second Amendment’s scope may be upheld without further analysis.” *Id.* (quoting *Silvester*, 843 F.3d at 821). Evidence of similar restrictions found in ancient English law, founding era laws, and early post-ratification laws provide persuasive evidence of the historical understanding of the scope of the

---

<sup>7</sup> To the extent Defendant argues that the 10-day permit use period is presumptively lawful simply because it is a “condition[] and qualification[] on the commercial sale of arms,” this argument fails. The Ninth Circuit has held the phrase “conditions and qualifications on the commercial sale of arms” “sufficiently opaque” to prohibit reliance on it alone, instead opting to conduct a “full textual and historical review” of the scope of the Second Amendment. *Teixeira v. Cnty. of Alameda*, 873 F.3d 670, 683 (9th Cir. 2017) (en banc). The court follows that approach here.

right. *Id.* By contrast, “twentieth-century developments . . . may be less reliable as evidence of the original meaning of the American right to keep and bear arms.” *Id.* at 811.

Here, Defendant puts forth *only* laws of this less reliable caliber. And while early Twentieth Century laws “might . . . demonstrate a history of longstanding regulation *if their historical prevalence and significance is properly developed in the record*,” *Fyock v. Sunnyvale*, 779 F.3d 991, 997 (9th Cir. 2015) (emphasis added), Defendant has failed to satisfy these conditions. The sparse handful of laws Defendant puts forth does not demonstrate the requisite “historical prevalence.” *Young*, 992 F.3d at 783 (“We are looking for ‘historical prevalence.’”) (quoting *Fyock*, 779 F.3d at 997)). Moreover, there is no evidence in the record suggesting that these laws are tethered—in any way—to the “original meaning of the American right to keep and bear arms.” *Id.* at 811. Indeed, Defendant does not provide *any* historical context for these laws. Instead, Defendant asserts that their mere existence is evidence that the State of Hawaii’s 10-day permit expiry period is presumptively valid. This meager showing is not enough.

Finally, it is worth noting that three of the four laws Defendant relies upon have been repealed. ECF No. 95-1 at PageID ## 931-32. And the only law that remains on the books, Michigan’s, imposes a 30-day rather than 10-day time

limit on permit holders. *Id.* at PageID # 931. Thus, even if these laws *did* provide evidence of founding-era understanding of lawful firearm prohibitions, it is not clear that their existence supports Defendant’s argument that the State of Hawaii’s law falls within that historical tradition.

Simply put, the court cannot conclude that HRS § 134-2(e)’s 10-day permit use period is longstanding and presumptively valid.

**2. *Intermediate Scrutiny Applies***

Having determined that HRS § 134-2(e)’s 10-day permit use period implicates the right to bear arms, the court next considers the appropriate level of scrutiny to apply. As both parties agree, the 10-day permit use period does not “amount to destruction” of the right to bear arms. ECF No. 85-1 at PageID # 603; ECF No. 91-1 at PageID # 715. This leaves a choice between strict and intermediate scrutiny. Strict scrutiny is appropriate only when a law “implicates the core of the Second Amendment right *and* severely burdens that right.” *Silvester*, 843 F.3d at 821 (emphasis added). Otherwise, intermediate scrutiny is appropriate. *Id.* Defendant concedes that “the core of the Second Amendment is presumably implicated since Plaintiffs state that they want to purchase handguns.” ECF No. 91-1 at PageID # 714. Thus, the appropriate level of scrutiny to apply turns on the severity of the burden imposed by the law.

In weighing the severity of a law’s burden on the right to bear arms, courts are “guided by a longstanding distinction between laws that regulate the manner in which individuals may exercise their Second Amendment right, and laws that amount to a total prohibition of the right.” *Pena*, 898 F.3d at 977. HRS § 134-2(e)’s 10-day permit use period falls into the former category. It merely regulates when an individual may purchase handguns—requiring them to take possession of the weapon within ten days of acquiring a permit. It does not prohibit individuals from possessing or acquiring handguns. Indeed, the only burden alleged by Plaintiffs is that they “are required to take time off work to make their firearms purchase in quick succession.” ECF No. 85-1 at PageID # 605. This is not a severe burden on the right. *See Silvester*, 843 F.3d at 827 (“[L]aws which regulate only the ‘manner in which persons may exercise their Second Amendment rights’ are less burdensome than those which bar firearm possession completely” (quoting *Chovan*, 735 F.3d at 1138)); *see also id.* (“The burden of [a] 10-day waiting period . . . is less than the burden imposed by contested regulations in other Ninth Circuit cases applying intermediate scrutiny.”). Intermediate scrutiny applies.

///

///

///



### 3. *Application of Intermediate Scrutiny*

“In the context of Second Amendment challenges, intermediate scrutiny requires: ‘(1) the government’s stated objective to be significant, substantial, or important; and (2) a reasonable fit between the challenged regulation and the asserted objective.’” *Fyock*, 779 F.3d at 1000 (quoting *Chovan*, 735 F.3d at 1139).<sup>8</sup> Intermediate scrutiny “does not require the least restrictive means of furthering a given end.” *Bauer*, 858 F.3d at 1221. Rather, the law must merely “promote[] a substantial government interest that would be achieved less effectively absent the regulation.” *Fyock*, 779 F.3d at 1000 (quotation and citation omitted). It is the government’s burden to prove that both prongs of the test are satisfied. *See Chovan*, 735 F.3d at 1140-41.

The nature and quantity of the showing required by the government “will vary up or down with the novelty and plausibility of the justification raised.” *Nixon v. Shrink Mo. Gov’t PAC*, 528 U.S. 377, 391 (2000); *see also United States v. Carter*, 669 F.3d 411, 418 (4th Cir. 2012) (“[T]he Constitution does not mandate a specific method by which the government must satisfy its burden under

---

<sup>8</sup> This test is “imported . . . from First Amendment cases” and courts rely on First Amendment jurisprudence when applying intermediate scrutiny to Second Amendment challenges. *Silvester*, 843 F.3d at 821; *see also Jackson v. City & Cnty. of S.F.*, 746 F.3d 953, 960 (9th Cir. 2014) (“Both *Heller* and *McDonald* [*v. City of Chicago*, 561 U.S. 742 (2010)] suggest that First Amendment analogies are more appropriate, and on the strength of that suggestion, we and other circuits have already begun to adapt First Amendment doctrine to the Second Amendment context” (quoting *Ezell v. City of Chicago*, 651 F.3d 684 (7th Cir. 2011))).

heightened judicial scrutiny.”). To meet its burden, the government may resort to a wide range of sources, including “legislative text and history, empirical evidence, case law, and common sense, as circumstances and context require.” *Carter*, 669 F.3d at 418; *Jackson*, 746 F.3d at 966 (pointing to case law, empirical studies, and legislative history as appropriate bases for demonstrating the reasonable fit between a government interest and a challenged law); *see also Lorillard Tobacco Co. v. Reilly*, 533 U.S. 525, 555 (2001) (recognizing that, in some cases, restrictions on constitutional rights may be justified “based solely on history, consensus, and ‘simple common sense’” (quoting *Florida Bar v. Went For It, Inc.*, 515 U.S. 618, 628 (1995))). But “the government must present more than anecdote and supposition.” *United States v. Playboy Ent. Grp., Inc.*, 529 U.S. 803, 822 (2000). Courts owe substantial deference to a legislature’s policy judgments; their “sole obligation is to assure that, in formulating its judgments, [the legislature] has drawn reasonable inferences based on substantial evidence.” *Turner Broad. Sys., Inc. v. F.C.C.*, 520 U.S. 180, 195 (1997).

The Government has not met its burden here. Defendant states that the 10-day permit use period furthers the “important government interest” of public safety “in that such requirements provide more effective supervision and control over the sale, transfer, and possession of firearms.” ECF No. 91-1 at PageID

# 715. It is “self-evident” that public safety is a substantial and important government interest. *Fyock*, 779 F.3d at 1000. But Defendant has failed to demonstrate *how* the 10-day permit use period furthers that interest.

To begin, the Government does not show that the legislature considered *any* evidence—let alone substantial evidence—prior to enacting the law. The Government cites only to legislative history that pronounces the public safety purpose of gun regulation generally, but provides no legislative history addressing why HRS § 134-2(e)’s 10-day permit use period, in particular, was enacted. *See* ECF No. 91-1 at PageID ## 706-09. The Government also fails to provide any legislative history addressing what evidence the legislature considered prior to enacting that requirement.<sup>9</sup> Likewise, the Government provides no empirical evidence or case law suggesting that a 10-day permit use period would enhance public safety. Indeed, as the Government conceded during oral argument, its arguments boil down to simple “common sense.”

The Government’s primary common-sense argument is that a short expiry period is necessary to ensure that the information provided when an individual applies for a permit to acquire a specific handgun remains accurate

---

<sup>9</sup> Upon independent review, the court was unable to find any legislative history addressing the purpose behind this particular statutory provision.

when that person acquires that gun.<sup>10</sup> ECF No. 91-1 at PageID ## 718-19. Specifically, the Government points out that information provided when an applicant applies for a permit, including the person’s name, address, or appearance could change over time; or an applicant could become disqualified from owning a gun after the background check has been completed and the permit issued—including by becoming subject to a civil protective order, committing certain crimes, or being diagnosed with a significant mental disorder. *Id.* Because such changes are unlikely to occur within a mere 10 days of acquiring a permit, such a “relatively short expiration date will ensure that the information remains accurate when the person acquires [their] firearm.” *Id.* at PageID # 719. Put differently, the 10-day permit use period minimizes the probability that any changes—

---

<sup>10</sup> As a reminder, the handgun permitting process proceeds as follows. An applicant must:

- (1) Acquire all necessary identifying information about the firearm from the seller, including its make, model, and serial number;
- (2) Physically visit the police station to apply for a permit to acquire the firearm, including by providing the gun’s make, model, and serial number, as well as personal identifying information including name, address, and physical appearance;
- (3) Wait 14 days while the police department reviews the application, conducts a background check to ensure that the individual is qualified to possess a gun, and issues the permit;
- (4) Return to the seller to present the permit and purchase the firearm within 10 days of permit issuance; and
- (5) Within five days of acquiring the firearm, bring the firearm back to the police station for a physical inspection and registration.

The Government maintains that by allowing applicants only ten days to acquire a handgun after receiving the permit, the law ensures that the information provided at step 2 and step 3 will be accurate at step 4. But the Government does not explain *how* this promotes public safety.

disqualifying or otherwise—will occur between the time that the permit issues and the time that the applicant makes use of that permit to purchase a gun.<sup>11</sup>

But the Government makes no effort to explain *how* this promotes public safety—that is, why the law is a reasonable fit to its asserted objective. In absence of an explanation, the court’s best guess as to the Government’s reasoning is that the law ensures that individuals do not make use of a permit to acquire after they become disqualified from owning a gun. But that this promotes public safety is not a common-sense conclusion. In fact, the opposite could be true. By shortening the permit use period to reduce the likelihood that disqualifying changes occur before the applicant obtains the handgun, the law arguably increases the likelihood that individuals will *already* be in possession of a gun should a disqualifying change occur.<sup>12</sup> This outcome could negatively impact public safety by increasing the probability that unqualified individuals may be in possession of

---

<sup>11</sup> The Government additionally argues that the short permit period “minimizes the risk of an unauthorized person using [the permit] if it is lost or stolen.” ECF No. 91-1 at PageID # 716. The Government does not flesh out this argument beyond the quoted sentence—let alone provide evidence suggesting that lost or stolen permits pose a problem. Taken on its face, this argument does not make sense. HRS § 134-2(f) requires the seller to verify the permit holder’s identity prior to transferring the gun, and the Government does not explain how an unauthorized individual could make use of a permit in another’s name.

<sup>12</sup> And as Plaintiffs point out, virtually all applicants *do* make use of their permits within the 10-day period. For example, in 2020, 95.8% of permits were used to acquire a gun within the 10-day period, while only 1.4% were voided (and 2.8% of permit applicants were denied). ECF No. 86-3 at PageID # 635. The same trend held true in 2017, 2018, and 2019. *See* ECF Nos. 86-4, 86-5, 86-6.

guns. Of course, in the absence of any *evidence* addressing the effect of the law on public safety, this is mere conjecture. Nevertheless, this conjecture demonstrates that it is not a simple matter of common sense that the 10-day permit use period promotes public safety. Finally, it is worth noting that if it really were common sense that a 10-day permit use period promoted public safety, Hawaii likely would not be the *only* state in the nation to maintain such a restrictive requirement.<sup>13</sup>

The Government has failed to show that there is a reasonable fit between their stated objective of promoting public safety and the 10-day permit use period imposed by HRS § 134-2(e). The 10-day permit use period for handguns does not survive intermediate scrutiny.<sup>14</sup>

---

<sup>13</sup> To be clear, the court is not suggesting that *any* permit use period would violate the Second Amendment. And, as Plaintiffs' counsel conceded at oral argument, some greater time period could pass constitutional muster. This Order, however, does not attempt to define the boundaries of a constitutional versus unconstitutional permit use period.

<sup>14</sup> Both parties spill considerable ink discussing “Rap Back”—an FBI service that informs state and local law enforcement officers when an individual subject to a criminal history record check is arrested for a criminal offense anywhere in the country. ECF No. 85-1 at PageID # 612; ECF No. 91-1 at PageID ## 717-19. Plaintiffs argue that “if the Defendant’s stated interest [in the 10-day permit use requirement] is blocking a person from using a permit after committing a felony, it is unnecessary and an additional unjustifiable burden because Rap Back provides the same ‘service.’” ECF No. 85-1 at PageID # 612. Defendant responds that Rap Back falls short of providing this service because some criminal offenses can fall through the cracks and because Rap Back does not inform law enforcement of other disqualifying events, including diagnosis with a disqualifying mental condition or entry of a civil protective order or restraining order. ECF No. 91-1 at PageID ## 717-18. But these arguments are largely irrelevant. The law does not pass intermediate scrutiny for the more fundamental reason discussed above—that the state has failed to show how the 10-day permit use period promotes public safety.

**C. HRS § 134-3(c)'s In-Person Firearm Inspection and Registration Requirement**

**1. *The In-Person Firearm Inspection and Registration Requirement Is Not Longstanding and Presumptively Valid***

HRS § 134-3(c) was amended in 2020 to require in-person inspection and registration of all firearms within five days of acquiring them. The Government argues that this new in-person inspection and registration requirement is longstanding and presumptively valid because it is “part of the registration process” and “[i]n Hawaii, registration and permitting requirements, *in general*, date back to 1907 and 1919, respectively.” ECF No. 91-1 at PageID ## 722-23 (emphasis added). This argument fails. Although certain registration requirements may be longstanding, it does not follow that *all* registration requirements are. And the Government has provided absolutely no evidence suggesting that in-person inspection and registration was historically understood as an appropriate regulation on the right to bear arms.

In its Amicus Brief, Everytown argues that the State’s in-person inspection and registration requirement falls outside the scope of the Second Amendment as “part of a longstanding regulatory tradition” because it is of a kind with 18th century militia laws. ECF No. 94-1 at PageID # 866. Those laws required individuals enlisted in state militias—“white men in a specified age range”—to maintain their own arms and “provided for in-person inspection to

ensure that militiamen were prepared and properly armed if called up to fight.” *Id.* at PageID ## 871, 873. Everytown cites to a variety of state militia laws, as well as federal Militia Acts. *Id.* at PageID ## 872-77. In general, as Everytown explains, these laws required periodic inspections of militiamen’s weaponry, with some laws requiring military officials to keep a record of the weapons held by men in their company. *Id.* Everytown concludes that “[t]he ubiquity of these militia inspection laws means that ordinary citizens in the founding era would have understood a requirement to present arms for inspection to be well within the government’s power—and thus outside the scope of the Second Amendment.” *Id.* at PageID # 877.

But the purpose and scope of these colonial-era militia laws are too dissimilar to the State of Hawaii’s current registration requirement to support such a finding. Although a law need not have a “precise founding-era analogue” in order to be deemed presumptively valid, *Fyock*, 779 F.3d at 997 (quotation and citation omitted), the law must be sufficiently similar to historical regulations to demonstrate that the law’s restrictions accord with historical understanding of the scope of the Second Amendment right. *Young*, 992 F.3d at 783.

In the 18th century, state militias were a primary part of the United States armed forces. And, as Everytown itself explains, the purpose of the militia laws was to ensure that the armed forces maintained weapon stockpiles suitable for



the nation's defense and warfare needs. ECF No. 94-1 at PageID # 873.

Accordingly, many of these laws did not require individuals to register their weapons upon acquiring them, but instead to periodically demonstrate that they maintained weapons of appropriate caliber for military activity. *Id.* at PageID ## 873-75. Moreover, each law that Everytown cites applied *only* to individuals who were enlisted in the militia and to the guns that they possessed for military purposes; Everytown has pointed to no law that required in-person inspection and registration of firearms held by civilians in their personal capacity.

HRS § 134-3(c)'s in-person inspection and registration requirement does not fall within the historical tradition of these 18th century militia laws. Whereas militia laws applied only to militiamen, HRS § 134-3(c)'s requirement applies to all civilians who wish to acquire a handgun for personal use. Likewise, the purpose of the militia inspection laws was to ensure that soldiers had the correct weapons for duty and that those weapons were appropriately maintained for battle. ECF No. 94-1 at PageID ## 872-77. In contrast, HRS § 134-3(c)'s requirement is meant to serve the Government's interest—not in military preparedness—but in protecting public safety through “more effective supervision and control over the sale, transfer, and possession of firearms.” ECF No. 91-1 at PageID # 724. And, most significantly, the militia laws did not place a burden on any individual's ability to *acquire* a weapon. Indeed, militiamen were *required* to

possess weapons. In contrast, the State of Hawaii's law places a burden on the right to acquire handguns by requiring compliance with the in-person inspection and registration requirement in order for civilians to legally possess firearms in the first instance.

Given these considerable differences, the State of Hawaii's in-person inspection and registration requirement for civilian firearms cannot be said to fall within the historical tradition of colonial-era laws requiring inspection of what were effectively the military weapon stockpiles of the day. On the record before the court, HRS § 134-3(c)'s in-person inspection and registration requirement cannot be considered longstanding and presumptively valid at the first step of the analysis. *See, e.g., Bauer*, 858 F.3d at 1221.

## ***2. Intermediate Scrutiny Applies***

Having determined that HRS § 134-3(c)'s in-person inspection and registration requirement implicates the right to bear arms, the court next considers the appropriate level of scrutiny to apply. As with the 10-day permit use period, the parties agree that the law does not destroy the core of the Second Amendment right, and Defendant concedes that "the core of the Second Amendment is presumably implicated since Plaintiffs state that they want to purchase handguns." ECF No. 91-1 at PageID # 723. Thus, the choice is again one between strict and intermediate scrutiny.

Intermediate scrutiny is plainly the appropriate standard to apply because the law does not severely burden the right to bear arms. HRS § 134-3(c) is a gun registration requirement. The Ninth Circuit has consistently held that “gun-registration requirements do not severely burden the Second Amendment because they do not ‘prevent an individual from possessing a firearm in his home or elsewhere.’” *Pena*, 898 F.3d at 977 (quoting *Heller v. District of Columbia*, 670 F.3d 1244, 1258 (D.C. Cir. 2011) (“*Heller II*”). Finally, factually, the only burden alleged by Plaintiffs is, again, that they “are required to take time off work to make their firearms purchase in quick succession.” ECF No. 85-1 at PageID # 605. This is not a severe burden. Intermediate scrutiny applies.

### ***3. Application of Intermediate Scrutiny***

To survive intermediate scrutiny, the Government must demonstrate a “significant, substantial, or important” government interest and must show that there is a “reasonable fit between the challenged regulation and the asserted objective.” *Fyock*, 779 F.3d at 1000. Here, the Government’s asserted interest is once again public safety. “More specifically, the ‘significant, substantial, or important’ government objective in requiring people to bring the firearm to the registration is that it ensures that the registration information is accurate, it ensures that the firearm complies with Hawaii law, and it confirms the identity of the

firearm so as to facilitate tracing by law enforcement.” ECF No. 91-1 at PageID ## 724-25.

But, once again, while public safety interests are legitimate, *Fyock*, 779 F.3d at 1000; *United States v. Marzzarella*, 614 F.3d 85, 98 (3d Cir. 2010), the Government wholly fails to demonstrate *how* the in-person inspection and registration requirement furthers these interests. It merely states that “ensuring that the registration information is accurate, ensuring that the firearm complies with Hawaii law, and confirming the identity of the firearm can be easily accomplished simply by bringing the firearm to the registration for inspection.” ECF No. 91-1 at PageID # 725.

This bald statement is not enough to meet the Government’s burden. “To survive intermediate scrutiny, the defendants must show ‘*reasonable inferences based on substantial evidence*’ that the statutes are substantially related to the governmental interest.” *N.Y. State Rifle & Pistol Ass’n, Inc. v. Cuomo*, 804 F.3d 242, 264 (2d Cir. 2015) (quoting *Turner Broad.*, 520 U.S. at 666); *Heller II*, 670 F.3d at 1259 (same). Here, the Government has provided no evidence whatsoever in support of its position. The Government has provided no legislative history speaking to the legislature’s reasons for amending the statute.<sup>15</sup> It has not

---

<sup>15</sup> Though not proffered by the Government, the court has reviewed the legislative history related to the 2020 amendment of HRS § 134-3(c). This history reveals that the legislature  
(continued . . . )

shown that inaccurate registration was a problem affecting public safety (or even a problem at all) prior to enactment of the 2020 in-person inspection and registration requirement, nor has it provided any studies, examples from other jurisdictions, or any other type of evidence suggesting that an in-person inspection and registration requirement would ameliorate such a problem.

In absence of concrete evidence, the only support that the Government offers is conjecture. Defendant asserts that in-person inspection and registration promotes public safety by requiring that the police directly inspect the serial number on the gun itself, rather than the number as reported by the buyer and (separately) by the seller on the permit. *See* HRS § 134-2(f). Specifically, the Government speculates that “[s]ome people might innocently make mistakes in transcribing serial numbers or other identifying information” or may be unaware that their gun’s identifying marks or other attributes have been impermissibly

---

amended § 134-3 in 2020 primarily to address concerns around ghost guns—firearms that are assembled “without serial numbers or other identification markings.” Stand. Com. Rep. No. 685-20 (Feb. 19, 2020). The legislature was concerned because “individuals who are otherwise prohibited from owning or possessing firearms under state law can assemble these ‘ghost guns,’ thereby bypassing background checks, registration, and other legal requirements.” *Id.* But while the legislature made two amendments specifically related to ghost guns, the amendment to require in-person inspection and registration appears unrelated. It addresses requirements for individuals who register their firearms legally, not the issue of individuals attempting to bypass legal registration with ghost guns. Rather, this amendment appears to fall into a separate, secondary reason for amending the statute: to “[a]mend certain requirements relating to firearms registration.” *See* Stand. Com. Rep. No. 3557 (May 19, 2020); Stand. Com. Rep. No. 3729 (June 30, 2020). But this does not reveal the purpose of the in-person inspection and registration requirement, nor could the court locate any additional legislative history—whether from 2020 or previous sessions—addressing the purpose of this requirement.

altered. ECF No. 91-1 at PageID # 720. And, the Government hypothesizes, individuals may not be aware of these errors or inconsistencies until they bring their firearm to the police station to have it physically inspected. *Id.* But this hypothetical falls short under intermediate scrutiny. To meet its burden, the Government must “present some meaningful evidence, not mere assertions, to justify its predictive judgments.” *Heller II*, 670 F.3d at 1259 (striking down a gun registration law where the government failed “to present any data or other evidence to substantiate its claim that these requirements can reasonably be expected to promote . . . the important governmental interests it has invoked”).<sup>16</sup>

Thus, it once again appears that the Government’s only permissible argument is that common sense shows the law is reasonably related to its interest in promoting public safety. But the notion that in-person inspection and registration promotes public safety is not a matter of common sense. First, as stated above, in the absence of any evidence to that end, it is not a common-sense conclusion that mistakes in registration were a problem prior to enactment of the

---

<sup>16</sup> The Government also argues that the in-person inspection and registration requirement provides a benefit to new gun owners in that it affords them a presumption of innocence in the event the firearm’s identifying marks are discovered to be altered after the registration process is complete. Again, this argument is based on mere supposition. *See* ECF No. 91-1 at PageID ## 725-26 (speculating that a “new owner could be accused of the alteration at some point in the distant future when the alteration is finally discovered” and that “in-person inspection at registration sets a ‘base line’ that protects the new owner”). Moreover, any secondary benefits the law allegedly affords gun owners is irrelevant in the context of this constitutional challenge; the question is only whether the law is reasonably tailored to meet the asserted government interest.

in-person inspection and registration requirement. Indeed, there is redundancy built into the registration process even without the in-person requirement—both the firearm seller and buyer must provide the serial number and other identifying information about the firearm. As Plaintiffs point out, “it strains credulity that both a firearms store and a buyer would both fail to properly transcribe numbers or realize” that the gun has been impermissibly altered.<sup>17</sup> ECF No. 95-1 at PageID # 941.

Second, as the D.C. Circuit pointed out in *Heller v. District of Columbia*, 801 F.3d 264 (D.C. Cir. 2015) (“*Heller IV*”), requiring individuals to bring firearms into the police station for in-person inspection and registration may “more likely be a threat to public safety [because] there is a risk that the gun may be stolen en route or that the would-be registrant may be arrested or even shot by a police officer seeing a ‘man with a gun.’” *Id.* at 277 (internal citation and quotation omitted). While these possibilities—like the Government’s hypothetical about mistaken transcription—are no more than conjecture, they demonstrate that it is not a simple matter of common sense that in-person inspection and registration promotes public safety.

---

<sup>17</sup> This is especially true given that the Second Amendment protects the rights of “law-abiding, responsible citizens.” *Heller*, 554 U.S. at 635.

Finally, it is again worth noting that Hawaii is the *only* state in the country to require in-person inspection and registration of firearms. ECF No. 85-1 at PageID # 614. As in the case of the 10-day permit use period, if it were truly a matter of common sense that in-person inspection and registration promoted public safety—or that misidentification in the absence of in-person inspection and registration was a problem—one would expect additional states to maintain similar requirements. The Government has failed to show that the in-person inspection and registration requirement is reasonably tailored to a significant, substantial, or important government interest. HRS § 134-3(c)'s in-person inspection and registration requirement does not survive intermediate scrutiny.

## **V. CONCLUSION**

For the foregoing reasons, Plaintiffs' Motion for Summary Judgment is GRANTED and Defendant's Counter Motion for Summary Judgment is DENIED.

HRS § 134-2(e)'s requirement that “[p]ermits issued to acquire any pistol or revolver shall be void unless used within ten days after the date of issue” is declared unconstitutional in violation of the Second Amendment. Defendant's officers, agents, servants, employees, and all persons in active concert or participation with Defendant are permanently enjoined from enforcing HRS



§ 134-2(e)'s 10-day permit use requirement for handguns. To be clear, no other language in HRS § 134-2(e) is found unconstitutional.

HRS § 134-3(c)'s requirement that, with the exception of certain licensed dealers, “[a]ll other firearms and firearm receivers registered under [HRS § 134] shall be physically inspected by the respective county chief of police or the chief’s representative at the time of registration” is unconstitutional in violation of the Second Amendment. Defendant’s officers, agents, servants, employees, and all persons in active concert or participation with Defendant are permanently enjoined from enforcing HRS § 134-3(c)'s in-person firearm inspection and registration requirement. To be clear, no other language in HRS § 134-3(c) is found unconstitutional.

///

///

///

///

///

///

///

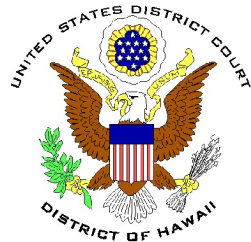
///

///

Pursuant to the parties' Stipulation, ECF No. 106, and Federal Rule of Civil Procedure 58(b), entry of separate judgment in this action will be delayed until September 15, 2021. The Order shall not take effect and shall not be appealable until the separate judgment is entered. The Clerk's Office shall not close the case file at this time.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, August 16, 2021.



/s/ J. Michael Seabright  
J. Michael Seabright  
Chief United States District Judge

# YUKUTAKE VS CONNERS

Plaintiff in the Federal Lawsuit for in-person inspection of firearms.

Senate PSM Committee  
Senator Clarence Nishihara, Chair  
Senator Lynn DeCoite, Vice Chair

HEARING: February 3, 2022 at 1:10pm  
RE: SB3043 Relating to Firearms

As the plaintiff in the lawsuit Yukutake v Conners, I **OPPOSE** SB3043. I sued, and won the Federal District Court lawsuit, to remove the in-person inspection requirement of firearms at the police station as required in HRS 134-3. This bill violates Judge Seabright's order for in-person inspection of firearms to include his denial of stay on his order.

## **NO PURPOSE:**

The in-person inspection requirement serves no purpose. No other state in the nation has a in-person firearms inspection requirement. Hawaii would be the only one. Most states do not have any form of firearms registration, you buy a firearm and take it home. The minority of state's with firearms registration, like California, do it through mail in forms or online, and don't require firearms inspection.

## **THE BURDEN:**

As a worker in a high cost of living state, the time and milage spent going to the police station costs a lot of money. This is the burdensome process I have to go through to register a firearm under this bill:

1. Go to work
2. Go to residence to pickup firearm.
3. Go to HPD to register firearm (opens at 8:30am)
4. Go to residence to store firearm
5. Return to work.

Taking a day off of work to do this was brought up in the lawsuit. It is a day off I can't use for something else (vacation, sick, etc) and some people do not have the ability to take off from work. It costs me \$250 + milage to take a day off of work which I see as a tax on my rights.

It is also a waste of police resources at a time when there are police manpower shortages.

## **GOOD SYSTEM ALREADY IN PLACE**

The police departments have already implemented a good system for remote firearms registration, and this would mess it up. This system is widely praised by gun owners and the police for saving everyone time and money. For example, Honolulu has a very good firearms registration website where you can

register the firearm quickly on the internet. Maui also has a good firearms remote registration system. This bill would mess up something everyone that everyone likes.

I **OPPOSE** SB3043 for it's firearm inspection requirements that violate terms of the Federal Court order. I do support the extension of the permit expiration date to 30 days which would settle that part of my lawsuit. However if it is a all or nothing bill, I choose nothing to defeat this bill.

Mahalo

Todd Yukutake

PH. (808) 255-3066

Email: [toddyukutake@gmail.com](mailto:toddyukutake@gmail.com)

Attachments:

Excerpts from judges orders

References:

Summery Judgement: [https://www.govinfo.gov/content/pkg/USCOURTS-hid-1\\_19-cv-00578/pdf/USCOURTS-hid-1\\_19-cv-00578-0.pdf](https://www.govinfo.gov/content/pkg/USCOURTS-hid-1_19-cv-00578/pdf/USCOURTS-hid-1_19-cv-00578-0.pdf)

Denial of stay for firearms inspection: [https://www.govinfo.gov/content/pkg/USCOURTS-hid-1\\_19-cv-00578/pdf/USCOURTS-hid-1\\_19-cv-00578-1.pdf](https://www.govinfo.gov/content/pkg/USCOURTS-hid-1_19-cv-00578/pdf/USCOURTS-hid-1_19-cv-00578-1.pdf)

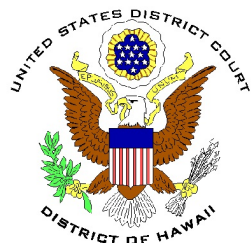
every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”).

## V. CONCLUSION

The 10-day permit use period and the in-person inspection and registration requirement are severed from their respective statutes and invalidated. The Defendant is enjoined from enforcing those provisions. Defendant’s Motion for Stay Pending Appeal is GRANTED with respect to the court’s injunction against enforcement of the 10-day permit use period in HRS § 134-2(e). But Defendant’s Motion for Stay Pending Appeal is DENIED with respect to the court’s injunction against enforcement of the in-person inspection and registration requirement in HRS § 134-3(c). The clerk of court is directed to enter Judgment in favor of Plaintiffs and close the case file.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, September 23, 2021.



/s/ J. Michael Seabright  
J. Michael Seabright  
Chief United States District Judge

*Yukutake v. Connors*, Civ. No. 19-00578 JMS-RT, Order (1) Clarifying Remedies; and (2) Granting in Part and Denying in Part Defendant’s Motion for Stay Pending Appeal, ECF No. 113

Finally, it is again worth noting that Hawaii is the *only* state in the country to require in-person inspection and registration of firearms. ECF No. 85-1 at PageID # 614. As in the case of the 10-day permit use period, if it were truly a matter of common sense that in-person inspection and registration promoted public safety—or that misidentification in the absence of in-person inspection and registration was a problem—one would expect additional states to maintain similar requirements. The Government has failed to show that the in-person inspection and registration requirement is reasonably tailored to a significant, substantial, or important government interest. HRS § 134-3(c)’s in-person inspection and registration requirement does not survive intermediate scrutiny.

## V. CONCLUSION

For the foregoing reasons, Plaintiffs’ Motion for Summary Judgment is GRANTED and Defendant’s Counter Motion for Summary Judgment is DENIED.

HRS § 134-2(e)’s requirement that “[p]ermits issued to acquire any pistol or revolver shall be void unless used within ten days after the date of issue” is declared unconstitutional in violation of the Second Amendment. Defendant’s officers, agents, servants, employees, and all persons in active concert or participation with Defendant are permanently enjoined from enforcing HRS

§ 134-2(e)'s 10-day permit use requirement for handguns. To be clear, no other language in HRS § 134-2(e) is found unconstitutional.

HRS § 134-3(c)'s requirement that, with the exception of certain licensed dealers, “[a]ll other firearms and firearm receivers registered under [HRS § 134] shall be physically inspected by the respective county chief of police or the chief’s representative at the time of registration” is unconstitutional in violation of the Second Amendment. Defendant’s officers, agents, servants, employees, and all persons in active concert or participation with Defendant are permanently enjoined from enforcing HRS § 134-3(c)'s in-person firearm inspection and registration requirement. To be clear, no other language in HRS § 134-3(c) is found unconstitutional.

///

///

///

///

///

///

///

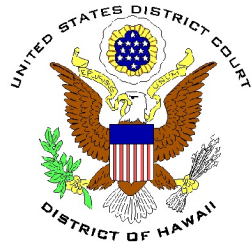
///

///

Pursuant to the parties' Stipulation, ECF No. 106, and Federal Rule of Civil Procedure 58(b), entry of separate judgment in this action will be delayed until September 15, 2021. The Order shall not take effect and shall not be appealable until the separate judgment is entered. The Clerk's Office shall not close the case file at this time.

IT IS SO ORDERED.

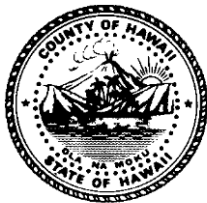
DATED: Honolulu, Hawaii, August 16, 2021.



/s/ J. Michael Seabright  
J. Michael Seabright  
Chief United States District Judge



**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 1, 2022

Senator Clarence K. Nishihara  
Chairperson and Committee Members  
Committee on Public Safety, Intergovernmental, and Military Affairs  
415 South Beretania Street  
Honolulu, Hawai`i 96813

RE : SENATE BILL 3043, RELATING TO FIREARMS  
HEARING DATE : FEBRUARY 3, 2022  
TIME : 1:10 P.M.

Dear Senator Nishihara:

The Hawai`i Police Department **strongly supports** Senate Bill 3043 that seeks to address the recent federal court ruling of *Yukutake v. Connors*, whereby the United States District Court for the District of Hawai`i held that the requirement in section 134-2(e), Hawai`i Revised Statutes (HRS), that a permit to acquire a handgun be used within ten days of issuance of the permit, and the requirement in section 134-3(c), HRS, that firearms be physically inspected at the time of registration were both unconstitutional.

This measure is looking to amend Section 134-2, Hawai`i Revised Statutes, increasing the time a permit to acquire a firearm (pistol or revolver) can be used from 10 days to 30 days and amend Section 134-3, Hawai`i Revised Statutes, to eliminate physical inspection of firearms generally, but requires physical inspection of firearms brought into the State, firearms involved in private sales or transfers, and firearms and firearm receivers with engraved or embedded serial numbers. Without these amendments, permits to acquire firearms (pistol or revolver) will never expire and no firearms will be examined by law enforcement to ensure that the firearm matches the registration information and complies with Hawai`i law.

As a law enforcement agency tasked with ensuring public safety, we have always supported the stringent permitting requirements set forth in the Hawai`i Revised Statutes relating to firearms, which we agree have a direct impact in the reduction in gun violence in the community. Conversely, as an issuing agency for firearm permits, it is equally incumbent on us to ensure that anyone acquiring a firearm in the State of Hawai`i comply with the requirements set forth in Section 134-2, which will be impossible without these amendments. The time limitations set forth for permits to acquire pistols or revolvers provides a safeguard in ensuring that an applicant hasn't been disqualified from owning a firearm between applications, as events in an individual's life is constantly evolving and a situation could arise where they would be disqualified (i.e. criminal act, domestic violence, mental health episode, etc.). We have had numerous situations over the years, whereby individuals that have previously qualified to own firearms

Senator Clarence K. Nishihara  
Re: Senate Bill 3043, Relating To Firearms  
Page 2

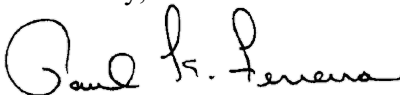
file a new application for a permit to acquire, when it is discovered they are now ineligible due to a recent event in their lives. Although there are no guarantees that an individual's qualification to own a firearm will not change in 30 days, it is highly unlikely and the time span is short enough to ensure the continued accuracy of the information on which the permit is based.

With respect to the physical inspection of certain categories of firearms, this as well is designed to ensure public safety by requiring that firearms permitted in the State of Hawai'i are in compliance with our laws. Whenever a firearm is recovered as evidence in a criminal investigation, the importance of police being able to trace the origin of that firearm as part of thorough investigation cannot be stressed enough. Without a firearm having a proper serial or registration number, tracing the origin becomes impossible. Firearms and firearm receivers that do not have serial numbers imprinted by the manufacturer can be legally obtained and registered under Hawaii law; however, the process established by Section 134-3, HRS, requires the permanent engraving or embedding of a registration number on the firearm by the registrant. Therefore, it is necessary for the statute to require that these firearms are inspected to ensure that the engraving or embedding, even when done by a licensed dealer, is done legibly, permanently, and accurately.

Just as important is the statutory requirement for physical inspections of firearms brought into the State by persons other than licensed dealers or manufacturers, as well as those firearms sold or transferred between private parties. As we are all aware, firearm laws vary across the United States and what may be legal in other States may be illegal here in the State of Hawai'i. By requiring the physical inspections in these situations, will help in preventing the unintentional possession of illegal firearms and accessories; as well as the transfer of firearms that may have been modified after initial purchase.

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 Senate Bill 3043.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul K. Ferreira". The signature is written in a cursive, flowing style.

PAUL K. FERREIRA  
POLICE CHIEF



## TESTIMONY

LIBERTARIAN PARTY OF HAWAII

% 92-149 Kohi Place

Kapolei, HI 96707

RE: **SB 3043** to be heard on Thursday February 3

**Please oppose this bill.**

The conditions laid out in this bill have already been taken up with the courts and deemed unconstitutional. The entire bill is an infringement of the second amendment which clearly states the right to bear arms shall not be infringed. This is written in plain language so that all can read and understand it, unlike this multiple page bill that includes a recap of decades of making it harder for citizens to purchase and carry a gun. Specifically the tone of the bill is smug and it blatantly defies the supreme court's ruling. Shall not be infringed means there is no hold up, no special screening process, or licensing requirements forced on the people by the government. Thank you for your consideration.

Sincerely,

Feena Bonoan  
Vice Chair  
February 1, 2022

**SB-3043**

Submitted on: 1/31/2022 7:50:51 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Lekeli Watanabe	Individual	Oppose	No

Comments:

This bill will require additional days off from work for applying and registration of firearms. This bill also differs across the state. This bill will also require in person registration and inspections that are unconstitutional. This bill also doesn't deter criminal use of firearms only makes it cumbersome for law abiding citizens that want to practice their second amendment.

**SB-3043**

Submitted on: 1/31/2022 7:58:19 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Bryan Griffin	Individual	Oppose	No

Comments:

I OPPOSE this bill. This bill would reinstate both in person registration and in person inspection of firearms. Both in person registration and inspections have both already been ruled unconstitutional. Passing this bill would trigger more lawsuits wasting time and money the state does not have to re-litigate issues already declared unconstitutional by the court. Sending these issues back to court is the definition of futility. Doing the same thing over and expecting different results. Further reinstating both of these processes will require law abiding citizens to take more time off of work and unnecessary travel and transport of firearms to complete these processes. Thus exposing them to more people out of their normal close contacts and increasing the chances of spreading or contracting covid infections. If the legislature can ban the people from testifying person for safety why are the people going to be forced to expose themselves for exercising a constitutional right? This bill will not reduce crimes against the elderly and vulnerabler in Chinatown or Waikiki or any other area of Oahu. Criminals will not follow the process and have never followed the laws or processes. The other 3 counties will not see increases in safety or reductions in crimes and all 4 counties will have different laws and processes across the state.

**SB-3043**

Submitted on: 1/31/2022 1:08:57 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Brian Isaacson	Individual	Oppose	No

## Comments:

This bill is trying to circumvent the recent decision forbidding police departments from requiring that firearms be physically inspected during registration, and will be found unconstitutional unless the original ruling is overturned. Infringing on the rights of some, rather than all, is not a legal recourse and does not make the requirement for physical inspection less unconstitutional. The case ruling must be adhered to by the State unless successfully appealed and decided in favor of the State.

**SB-3043**

Submitted on: 1/31/2022 8:16:11 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
caleb keith custer	Individual	Comments	No

Comments:

-although I agree with increasing the time of use for a permit, I am concerned over the need for in person firearms registration.

- reinstating mandatory in person registration would require an individual to take an extra day off of work to register the firearm.

- Police stations will end up with unnecessary traffic for those going in for firearms registration

- this bill does not actively combat or fight crime and does not serve any public interest

- this bill adds unnecessary firearms travel

- this is reimplementing firearms inspections, which have already been ruled unconstitutional

- this is reinstating in person firearms registration, which has already been ruled unconstitutional

for the reason's stated above, I urge you to vote no on this bill

**SB-3043**

Submitted on: 1/31/2022 8:38:37 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Sean Loo	Individual	Oppose	No

Comments:

I oppose this bill because it would require additional unnecessary visits to the police station. These additional visits will not only cost me time which is already limited for me working multiple jobs everyday but also the financial burden from having to take time off work and the additional gas used to get to the police station.



**SB-3043**

Submitted on: 1/31/2022 9:03:21 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kyle Sekiya	Individual	Oppose	No

Comments:

Aloha,

I am writing to oppose Senate Bill 3043 as its contents have already been found to be unconstitutional by the recent federal court decision. This bill will again create an undue burden to law abiding citizens such as myself.

Mahalo

**SB-3043**

Submitted on: 1/31/2022 9:44:51 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Paul Umholtz	Individual	Oppose	No

Comments:

I OPPOSE SB3043.

I submit opposition as this bill re-implements in-person registration of firearms, inspections, and processes and procedures already deemed unconstitutional in a Federal court. If SB3043 should pass, there will be undesirable effects on firearms enthusiasts and on the general public. Undesirable effects include the unnecessary travel and transportation of firearms to and from site of proposed inspection, the need for citizens to take leave from their employment to register a firearm, and honestly creates frustration and is a major hindrance to the legal ownership and registration of firearms in the State of Hawaii.

SB3043 serves no public interest, as hindering a process for law-abiding citizens to legalize a firearm will have no effect on how criminals commit crimes.

Very Respectfully,  
P. Umholtz

**SB-3043**

Submitted on: 1/31/2022 9:37:29 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Beth Anderson	Individual	Support	No

Comments:

Yes, limit firearms in any way, shape, or form. I support SB3043 because it puts further restrictions on firearms. Please work to put further limitations on guns in our state. Guns are making us less safe. It seems every year there are more and more shootings, gun incidents, and homicides by firearms in Hawaii.

Thank you for considering my comments.

Beth Anderson

**SB-3043**

Submitted on: 1/31/2022 8:38:31 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
scott matsuoka	Individual	Oppose	No

Comments:

I strongly oppose SB3043. This bill, like the others before it, does nothing to deter the criminal element from using or obtaining firearms and in fact makes it a huge hassle for innocent law abiding citizens to excercise their individual right to the 2nd amendment.

thank you for your time and concern.

**SB-3043**

Submitted on: 1/31/2022 11:13:30 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Paul Kaneshiro, Jr.	Individual	Oppose	No

Comments:

I oppose SB3043 because some of the items in this bill has already been decided to be unconstitutional in federal court. It would also affect me when doing joint registration with my spouse where we both would have to take off multiple days for something that is written in the constitution as a right as an American.

**SB-3043**

Submitted on: 2/1/2022 7:52:53 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
David Lau	Individual	Oppose	No

## Comments:

I oppose SB3043. This bill is written similarly to a law that was found to be unconstitutional, and likewise should not be passed based on this fact. This is just another unconstitutional infringement on my second ammendment right, and the state's need to control and discriminate against law abiding citizens. None of what is written proves that any of this will save lives or reduce crime. It only continues to over burden law abiding citizens and continues to attack the second ammendment. Let my voice be heard that I oppose SB3043 based on the fact that this is unconstitutional and rightfully so will should be struck down.

**SB-3043**

Submitted on: 1/31/2022 9:06:48 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Chris Yates	Individual	Oppose	No

Comments:

Honorable Senate Members,

I write this testimony in opposition to this proposed bill. This matter of in-person registration was already deemed unconstitutional. As a liberal, I find this attempt of intensional process activism reprehensible. Overtly arduous process activism only serves to punish working people. Punishes them for exercising their protected rights.

This type of facritical pomp-and-circumstance does nothing to aid in public safety. It only pushes to alienate and further divide an already tenuous political climate

I strongly urge you to vote, "NO" on this bill.

Chris and Amanda Yates

**SB-3043**

Submitted on: 2/1/2022 7:53:43 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Alvin Reinauer	Individual	Oppose	No

Comments:

This bill, SB3043, and the actions it proposes, has previously been ruled unconstitutional in Federal District Court and the legislature of Hawaii no longer can express the authority to overrule the federal courts. The act of requiring in person registration, inspections of weapons that cross state lines, and inspection of weapons in a person to person transfer are not permitted under federal law and have the backing of an official judicial ruling in federal court. "Ghost Guns" is a clever name for gun parts and modifications - and infringes on the rights of citizens to purchase so much as a spring assembly or trigger blade that is necessary to maintain a safe firearm or to make improvements much like you would install a filter or muffler on your own car - it is simply a way to make buying gun components impossible by mail order or delivery. In addition, Hawaii proved incapable of handling the appointment and in person check ins resulting in long lines for those exercising thier constitutional rights. This bill would create no less than 4 systems to register legal weapons across the state and greater backlogs that infringe upon the rights of citizens. I strongly oppose SB3043 and all other attempts to undermine the United States Constitution.



**SB-3043**

Submitted on: 2/1/2022 7:54:53 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
kariesmart@hotmail.com	Individual	Support	No

Comments:

I am in support of in person gun registration. In person inspection ensures the gun is legal. Particularly in regards to Hawaii's magazine clip limits. People bringing in guns from the mainland may not know all our laws. In person inspection ensures the paperwork matches the gun. It's a basic safety step I feel we need.

**SB-3043**

Submitted on: 1/31/2022 11:00:04 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
RICHARD HOLIBAUGH	Individual	Oppose	No

Comments:

Hello, thank you for taking the time to read and consider my testimony. As for SB3043, "SECTION 3. Section 134—3, Hawaii Revised Statutes, is amended by amending subsections (a) to (c) to read as follows: "(a) Every resident or other person arriving in the State who brings or by any other manner causes to be brought into the State a firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, shall register and submit to physical inspection the firearm within five days after arrival of the person or of the firearm..."an amended version would cause significant impact to me financially thus causing burden. For example, if I order a firearm, and have the firearm sent to my local dealer (Federal Firearm License) FFL holder, thus I have "by any other manner" caused "to be brought into the State a firearm" and would be subject to submit to the firearm being physically inspected. The significant impact to me is I will need to take leave (vacation/personal day) from my employer to travel to the Main Station in order to register my firearm. Vacation is earned, and in my opinion best spent with family instead of having take vacation in order to have a firearm physically inspected. In person registration was recently ruled unconstitutional. Firearms purchases already require the completion of ATF Form 4473, which tracks firearms transactions from the seller (dealer), to the purchaser, to all the relevant information for the particular firearm. In Honolulu County, this information is directly sent from the dealer to the Honolulu Police Department. No physical inspection is necessary as the HPD already receives this information. As a federal law enforcement officer, I know the challenges and dangers that ghost guns and unregistered firearms present. We must use our existing firearms laws to the best of our abilities. Thank you.

**SB-3043**

Submitted on: 1/31/2022 10:31:46 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Brendon Heal	Individual	Oppose	No

Comments:

Oppose this bill

The mandates to require in person registration and inspections have already been struck down in federal court as unconstitutional.

All pertinent and required information on the firearms and the thorough background checks are already accomplished prior to purchase.

This bill serves no purpose for public safety and criminals do not register firearms. There is no reason to go back to the old unconstitutional method. It is a waste of police time, resources, and tax dollars.

strongly oppose this bill

**SB-3043**

Submitted on: 2/1/2022 8:04:04 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
danny yamada	Individual	Oppose	No

Comments:

I am strongly against this bill as it will require me to miss more days of work and it was ruled as unconstitutional.

**SB-3043**

Submitted on: 2/1/2022 6:24:57 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Edward Hampton	Individual	Oppose	No

Comments:

If you're going to make yet MORE gun laws, make laws that affect CRIMINALS rather than law abiding firearms owners.

Anything else is USELESS other than to discourage citizens from exercising their constitutional rights. Which is in and of itself unconstitutional.

**SB-3043**

Submitted on: 2/1/2022 7:57:16 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Kouchi	Individual	Oppose	No

Comments:

**I oppose this bill that proposes to reimplements in-person registration as it will cause an undue burden on myself and my family. This will consume additional days away from work which equates to lost wages or negatively impact my employment status. It also requires me to travel from Mililani to the main police station with firearms on the City Bus and walking city streets, creating an unnecessary risk of theft.**

**SB-3043**

Submitted on: 1/31/2022 11:24:04 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Steven T Takekoshi	Individual	Oppose	No

Comments:

I am submitting the following testimony in OPPOSITION to SB3043. To start, this bill reimplements in-person registration for a subsection of firearms, which was recently ruled unconstitutional in a federal court for all firearms. Let's let that sink in, unconstitutional; that means this proposed bill wishes to reinstate an unconstitutional act. If passed the bill will be relitigated at what cost to the people of Hawaii? This body is untroubled by throwing money away to defend an unconstitutional process as a top priority for the State? First and foremost the legislature has the duty to uphold and defend the Constitution. How can any member of this body explain how proposing an unconstitutional bill fulfills this duty?

Secondly, this bill serves no public interest and has no effect on criminal use of firearms and seeks only to reinstitute a process deemed unconstitutional that places barriers in the way of a citizen's exercise of their right. If this was such a superior process why did the State settle? It is, and the State knows it, UNCONSTITUTIONAL. This committee continues to promote this failed illegal process to the legislature, which only serves in wasting time and resources that are needed to address real issues facing the people of Hawaii, instead of the irrational fears of paid lobbyists who support the authors of this bill.

All reporting in the new online system is working well and having been in place less than thirty-days. Yet the proponents of this bill cannot abide by the people of Hawaii having the freedom to exercise their rights without undue burden for even a moment.

If reinstated this bill will require me to take up to three days off of work and associated travel to register a firearm and undergo an inspection deemed by federal court as unconstitutional. How is it not an infringement or bar to the exercise of my right? Would this process stand scrutiny for another right say, speech or privacy? I think you all know it would not.

During the pandemic it was not possible for me to obtain an appointment for a permit to acquire. This last December when in person registration was reinstated I started the process which required I take two days off and travel twice to HPD Headquarters for my permit to acquire for a long gun.

I am writing this from Jakarta, Indonesia whilst on business travel. It is a shame that the voters must remind you to prioritize issues versus championing federally recognized unconstitutional processes which were struck down only four months ago. Have you nothing better to pursue for the betterment of our State. I ask that you do the right thing and kill this nonsense now.

Thank you,

Steven Takekoshi

Waipahu, Hawaii



**SB-3043**

Submitted on: 2/1/2022 8:43:37 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jason Tani	Individual	Oppose	No

Comments:

My concerns is the process of registration of firearms. If required to register firearms in person will take time from my work and family. I do not feel comfortable carrying a firearm in public even if it's just to register it.

**SB-3043**

Submitted on: 2/1/2022 8:53:46 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Terence Long	Individual	Oppose	No

Comments:

I oppose this bill as it infringes on my 2nd amendment rights. The criminals do not care about any gun control or it's legislation. The only ones this bill is going to affect are lawful gun owners. How many responsible citizens, whether they be buyers or sellers, have issues with law enforcement or following the rules in general. Gun safety starts with education, these type of bills only kick the can down the road. Hawaii already has some of the strictest gun laws in the country. I strongly oppose this bill. Thank you

**SB-3043**

Submitted on: 2/1/2022 8:06:30 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jennifer Cabjuan	Individual	Oppose	No

Comments:

Please stop creating laws that make it hard for law abiding citizens & focus on the criminals. I do not have the time or money to lose by personally showing up at your location to get each firearm inspected. It is unconstitutional as ruled by court last year. The registration system is working fine right now and frees up officers to do something more productive. There were at least 5 HPD staff members standing around doing nothing when I dropped in one day. Such an Unnecessary burden on me to have this law as written passed so I strongly oppose this bill.

**SB-3043**

Submitted on: 2/1/2022 8:57:58 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Stanley Mendes	Individual	Oppose	No

Comments:

I strongly oppose SB3043

**SB-3043**

Submitted on: 2/1/2022 8:18:54 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Chad Ishitani	Individual	Oppose	No

Comments:

Hello, I (Chad Ishitani) am writing you in opposition to Senate Bill SB3043. There is no good or productive reason for this. Criminals don't acquire their weapons legally so how would this bill effect the violent crime rate? All this does is put another road block for law abiding citizens to exercise their second amendment right. Don't forget that, we have the right to keep and bear arms. If you care about reducing violent crime, maybe focus on the underlying problems that cause violent crime. Focusing on an inanimate object instead of the individual's actions is not only lazy but irresponsible as it does nothing to fix the problem. You are not making anyone safer by requiring people to take off multiple days of work over bureaucracy. This is the kind of useless law that doesn't prevent criminals from committing crimes but it is a deterrent for law abiding citizens, who may not be able to take off from work repeatedly, from exercising their constitutionally protected (not granted) right.

**SB-3043**

Submitted on: 2/1/2022 8:35:00 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Elijah Kim	Individual	Oppose	No

Comments:

I oppose SB3043 because it is unconstitutional to increase the time a permit to acquire a firearm from 10 to 30 days. Our RIGHT to bear arms shall not be infringed! Stop disarming or trying to disarm law-abiding citizens from our constitutional rights!

**SB-3043**

Submitted on: 2/1/2022 7:21:40 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jonagustine Lim	Individual	Oppose	No

Comments:

I strongly oppose SB3043. Requiring in-person registration was already ruled unconstitutional in federal court. This bill places new burdens on gun owners, and will have no effect on reducing crime.

**SB-3043**

Submitted on: 1/31/2022 8:02:50 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Matt Smith	Individual	Oppose	No

Comments:

There is no legitimate reason for this bill other than to restrict the constitutional rights that you have sworn to uphold whether you agree with them or not.

Please vote no to this bill. we will remember the next election cycle those who uphold the Constitution and those who try to subvert it.

Thank you



**SB-3043**

Submitted on: 2/1/2022 8:34:53 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Vladimir Cabias	Individual	Oppose	No

Comments:

I strongly oppose SB3043 as it creates an unnecessarily long waiting period to acquire a permit. This extension to 30 days serves no purpose other than to deny people their constitutional right and in some cases the ability to defend themselves and their family. Having worked in a local gun shop for several years, I have met and talked to many customers who experienced verbal and physical threats, home invasions and sexual assaults. They exercised their legal rights and followed all the rules and regulations to get their permits properly in order to have peace of mind and safety once they obtained their firearm. Extending the waiting period to 30 days is unfair to those who need it most.

I oppose the in person registration reimplementation because it takes time out of hard working law abiding citizens day to schedule the registration, then travel again to and from the police station. Not only is it a waste of personal time but with the high cost of gasoline, the travel expenses are also a financial drain. The state of Hawaii always talks about the future, being a leader in sustainability and eco-friendly emission cutting endeavors but still tries to initiate an antiquated system of in person registration.

**SB-3043**

Submitted on: 1/31/2022 8:36:27 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Lionel Delos Santos	Individual	Oppose	No

Comments:

Aloha state legislature, i strongly OPPOSE this bill because its already been inspected by the buyer and the seller that any fire that comes in the states and save time to going to police sation , and online registration been working great and hpd have the records of seller of fire any way . Why waste time.

Thank you

lionel

**SB-3043**

Submitted on: 2/1/2022 2:44:37 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michael Riley	Individual	Oppose	No

Comments:

Keep the 30 days for pistol purchase. Keep all registrations online.

Depending on the distance travelled and the line waiting, registering in person can be costly.

Registration online removes the burden of the cost incurred by losing a day of work and transportation cost.

It is much more convenient and expeditious.

**SB-3043**

Submitted on: 2/1/2022 9:16:30 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
tony frascarelli	Individual	Oppose	No

Comments:

I oppose the bill as its proponents have not adequately explained how this bill enhances public safety. Hawaii has recently removed in person inspection/registration as a result of the Yukutake v. Connors lawsuit. This bill appears to be in contravention to that case/settlement and could likely result in another lawsuit. Additionally, person to person sales are already required to be reported to the appropriate agency.

**SB-3043**

Submitted on: 2/1/2022 10:19:50 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Dennis Djou	Individual	Oppose	No

Comments:

I oppose this bill

**SB-3043**

Submitted on: 2/1/2022 8:41:17 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kevin Tamayose	Individual	Oppose	No

Comments:

As a voting citizen, I oppose SB3043 and encourage representative to do the same because:

1. In-person registration, which has already been deemed unconstitutional in court, will be reinstated. Unnecessary taxpayer time and money will be expended defended and losing what is sure to result in a follow up lawsuit.
2. SB3043 will again require unnecessary and potentially hazardous (e.g., theft) travel with a firearm.
3. Any effects SB3043 would have on mitigating criminal use of a firearm is minimal compared to the greater impact on law abiding citizens.

**SB-3043**

Submitted on: 2/1/2022 8:55:34 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
George Pace	Individual	Oppose	No

Comments:

Defeat SB3043!

Having to appear in person at a distant selected police department during business hours is a gross inconvenience that serves no useful purpose in lowering crimes involving firearms in any way at all. Stop it! It's just plain stupid. Not to mention having been ruled unconstitutional by courts.

If I have one of the firearms this bill would require to be registered in person, not only would I have to drive 40 minutes each way to the police station, but I am not legally allowed to stop ANYWHERE AT ANY TIME during the trip because I have a firearm in the car... unless I were to include a hunting excursion, a trip to the range, or a stop at "a place of repair". That's idiotic laws in action. Thanks for that. that's really lowered the gun crime rate. Please cite me one example of that law stopping a single crime. And I mean REALLY, not hypothetically.

To demonstrate the utter preposterousness of this law, if my car needed gas to make the full 1 hour and 20 minute round trip, I would have to drive 15 minutes to the nearest gas station, get gas, then drive 15 minutes back to my home, put the firearm in my car, and THEN drive the 40 minutes each way DIRECTLY to the police station and THEN DIRECTLY back home, without stopping anywhere (except the above mention possible legal stops). Does anyone with more than one functioning brain cell think those "rules"/laws are even rational, much less serve any useful purpose in lowering crime? It's pathetically absurd, so Hawaii legislators will no doubt continue their pattern and pass it, but I'd ask any sane person to please use common sense and vote against it.

NO on SB3043! Enough already!

While you're at it why not a gut and replace for statewide permitless open and concealed carry? You know, like the Constitutions (Federal and State) clearly "imply" ("right to... bear... shall not be infringed"), and currently implemented in 21 states. Since currently not one single person in the entire state of Hawaii (4 (four) permits issued in 23 years, none (zero) ever issued in the county of Hawaii where I reside) may lawfully bear arms outside their home for the purpose of self defense, does any rational person not see that fact as obvious infringement? smh.





**SB-3043**

Submitted on: 2/1/2022 10:22:11 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Keola	Individual	Oppose	No

Comments:

This bill will not prevent any criminal use of a firearm. This bill also makes the registration process of owning a firearm more time consuming process.

**SB-3043**

Submitted on: 2/1/2022 10:30:40 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dr Marion Ceruti	Individual	Oppose	No

Comments:

**SB3043 is an awful idea and should be discontinued immediately before anyone wastes more time on it. A federal court has declared the provisions of this bill, in-person registration and firearms inspection, to be unconstitutional. This bill is completely unnecessary, serves no useful purpose, and protects no one. Criminals will not comply but law-abiding gun owners will have to make a special trip with their firearms, thus exposing them to possible loss in case their vehicle is involved in an accident or if a criminal seizes control of their vehicle. Kill this bill now, or at least vote NO on SB3043.**

**SB-3043**

Submitted on: 2/1/2022 10:45:52 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michael Elliott	Individual	Oppose	No

Comments:

As a law abiding citizen of the state of Hawaii, Alice long gun owner, avid shooter and retired member of the U.S. military, I am applaud at the blatant attempt to run roughshod over the Constitution and a recent court ruling where the state of Hawaii lost it's case regarding gun registration.

I personally feel that any gun registration scheme is UNCONSTITUTIONAL. Background checks for purchases can and should be done at the gun dealer by an FFL dealer and their representatives.

The state of Hawaii is trying to circumvent the ruling against them regarding registration and trying to reimplement a process that was found to serve no purpose and was an illegal and unconstitutional burden on the citizens of Hawaii.

Prepare for additional lawsuits if you proceed with this Unconstitutional bill.

There is no need to register out of state firearms and prove ownership.

There is no need to go to HPD for private party sales.

And ghost guns don't exist. Every citizen has the right to make a firearm and get a serial number assigned once it is complete.

I strongly oppose this bill.

My written testimony is in opposition to SB 3043.

Regarding the legislature's argument that there is strong public safety interest associated with this issue of having the registration number be verified by law enforcement. This argument is presented without evidence, which is necessary. There is redundancy built into the registration process even without the in-person requirement—both the firearm seller and buyer must provide the serial number and other identifying information about the firearm. The state has no evidence that both a firearms store and a buyer would both fail to properly transcribe numbers or realize that the gun has been impermissibly altered. Regarding the legislature's statement that in person inspection is supported by government interest in protecting public safety is false in its statement. This argument is also brought forward without any material evidence and is all speculation and in violation of constitutional rights of Americans. The D.C. Circuit pointed out in *Heller v. District of Columbia* (D.C. Cir. 2015), requiring individuals to bring firearms into the police station for in-person inspection and registration may "more likely be a threat to public safety [because] there is a risk that the gun may be stolen en route or that the would-be registrant may be arrested or even shot by a police officer seeing a 'man with a gun. This would create an undue burden on American citizens when required to perform this would be unconstitutional act. American would have to take days off work to perform this would be unconstitutional act. On top of that it would put American citizens in a undue position of harm if they are forced to transport their firearms to be inspected by law enforcement.

Thank You

Richard Ruiz

**SB-3043**

Submitted on: 2/1/2022 12:05:33 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
barto nathan gruber	Individual	Oppose	No

Comments:

I feel that the current Firearms laws already make Hawaii very restrictive to law abiding citizens. The process of background checks with proof of residence and photo ID gives the State all the information needed without creating more hardships and violating our rights as citizens.

Barto N Gruber

**SB-3043**

Submitted on: 2/1/2022 8:55:30 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Hipolito Olaes	Individual	Oppose	No

Comments:

- We have fought years to remove the requirements for in person registration and here we go again, trying to infringe on our Constitutional Rights, which has been through the Federal Courts System, and was deemed Unconstitutional. They are a burden to law abiding citizens to have to make multiple visits to HPD, it's a waste of taxpayers resources, it's a waste of time for taxpayers to have to take multiple time off from work, it's a burden for Employers to have their employees absent from work.

- This bill doesn't stop criminal elements from unlawfully owning guns. No Gun Law does, they don't care. Data proves the more stringent gun laws are in a City/State, the higher crime rates are.

- I strongly oppose this bill. No government should be infringing the peoples 2A rights.

**SB-3043**

Submitted on: 2/1/2022 9:39:01 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Sash Fitzsimmons	Individual	Oppose	No

Comments:

I oppose this bill, law abiding citizens need life threatening self protection sooner than the 30 or more days if this bill is passed.

**SB-3043**

Submitted on: 2/1/2022 11:38:29 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Matthew Dasalla	Individual	Oppose	No

Comments:

I oppose SB3043.

The current system set up via online registration is a great example of efficiency across the continuum for City and County employees and law abiding citizens. Less time and resources are utilized. No more long lines, less paper is used, no time lost at work for registrants.

To revert back to outdated procedures is literally a step backwards in efficiency and makes me question the competency of the officials that introduce and support this bill.

Thank you,

Matthew Dasalla



**SB-3043**

Submitted on: 2/1/2022 11:10:50 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Bobby J Smith	Individual	Oppose	No

Comments:

This bill is just another attempt by Hawaii's antigun political Establishment two take away the rights of law abiding citizens. It does absolutely nothing to benefit the public. I mean ghost guns, really?

1. Firearms inspection has already been ruled as unconstitutional. And yet Hawaii's political representatives still somehow believe that that ruling doesn't matter to them.
2. In person registration was already ruled unconstitutional as well.
3. You're trying to make it as difficult as possible for a law-abiding working class citizen of the state of Hawaii to be able to properly own and register a firearm.
4. It serves absolutely no purpose in preventing crime. Crime in Hawaii is escalating just like it is Across the country.

**SB-3043**

Submitted on: 2/1/2022 9:07:52 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Keith Nakanishi	Individual	Oppose	No

Comments:

Please stop this over regulation and infringement on our basic gun rights

**SB-3043**

Submitted on: 2/1/2022 11:44:57 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
nick yee	Individual	Oppose	No

Comments:

This bill will re-implement in-person registration and firearm inspection, both of which were ruled unconstitutional in federal court. This will necessitate taking time off from work and most importantly, my driving unnecessarily with a firearm in my car trunk. Which means that after firearm inspection, I will have to drive home to safely store my firearm and then go back to work. Day wasted. Please reconsider and think about all the law abiding gun owners this bill will affect if introduced into law.

Thank you

Nicholas Yee

**SB-3043**

Submitted on: 2/1/2022 8:18:49 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michael Jensen	Individual	Oppose	No

Comments:

Aloha,

I have been a resident of Hawaii for twenty two years now. I strongly oppose this bill. This bill is completely unnecessary as the process we have with online registration of firearms is working great! This bill will reintroduce in person registration which was already ruled unconstitutional in a federal court. This bill would place financial burden on me as whenever i needed to register a firearm i will have to take time off of work. I work six days a week and 10 hours a day and do not have the time or money to be doing something that is completely unnecessary. The laws and current registration process we have in place is more than sufficient we dont need to add something that is completely unnecessary. Again the registration process we have was ruled unconstitutional in federal court. I am asking you as a resident of Hawaii and a tax payer to oppose this bill. I thank you for taking the time to hear me.

Sincerely,

Michael Jensen

**SB-3043**

Submitted on: 2/1/2022 11:51:00 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
John D'Adamo III	Individual	Oppose	No

Comments:

This bill will reimplement in-person registration and reimplement firearms inspection and was both already ruled unconstitutional in federal court.

Don't Forget Your Oath To The CONSTITUTION

**SB-3043**

Submitted on: 2/1/2022 11:51:08 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Justin Hanashiro	Individual	Oppose	No

Comments:

Criminals are exactly that and implementing laws for law abiding citizens only hinder our ability to defend ourselves and our home. Creating such laws do NOT stop CRIMINALS, that's why they are CRIMINALS.

In-person registration is unconstitutional and has been already ruled as such in Federal Court.

Firearms inspections is unconstitutional and has been ruled as such in Federal Court.

Please protect our rights as you were sworn to do.

**SB-3043**

Submitted on: 2/1/2022 11:19:08 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
David Reaume	Individual	Oppose	No

Comments:

This bill is unconstitutional and has already been ruled as such

**SB-3043**

Submitted on: 2/1/2022 12:02:04 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jerry Ilo	Individual	Oppose	No

Comments:

Very Strongly oppose. Many of the points in this bill have already been ruled unconstitutional in Federal Court. This places an undue burdon on people!



**SB-3043**

Submitted on: 2/1/2022 11:58:11 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Bradd Haituka	Individual	Oppose	No

Comments:

I am opposd to this bill as its contents have already been ruled unconstitutional. This bill will make it harder for myself to legally register any future firearms that I may decide to aquire in the future. I ask that this unconstitutional bill be killed at this time.

**SB-3043**

Submitted on: 1/31/2022 6:35:04 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
SeaRay Beltran	Individual	Oppose	No

Comments:

Aloha To All It May Concern,

Testimony in OPPOSITION to SB3043 makes it harder for those of us with clean none arrest, metal, or other issues to obtain a firearm. Yet, criminals don't have to go through the same ordeal as a well-abiding citizen. At the same time, it is against my constitutional right to bear arms. Then I must take time off to get my firearm registered.

Furthermore, criminals are out and about killing, mugging, and threatening the public because they don't have to follow this bullshit wannabe law! ENOUGH is ENOUGH. Stop wasting good taxpayers' money on stupid things like this.

I'm all for a full criminal background online to apply for my firearms. But, put money into better training of LEO's and allow the good citizens to carry their guns for our protection.

One more thing, criminals know that they can commit a crime and badly hurt or kill someone within less than 1 minute. It will take LEO a minimum of 5 minutes to get to the scene of the crime. Oahu is a significant crime city with Maui and Big Island following. As a well-trained Close Quater Protection Trainer, I can only do so much until crime finds its way worst in Maui one day. I 100% Oppose this bill.

**SB-3043**

Submitted on: 2/1/2022 11:15:05 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Stephen Yuen	Individual	Oppose	No

Comments:

I oppose this bill as it only affects and hinders law abiding citizen and does nothing to prevent crimes.

It's not the police's job to inspect the safety of firearms and most do not know what they are looking at in terms of what is safe.

**SB-3043**

Submitted on: 1/31/2022 6:31:28 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Blaine Stuart	Individual	Oppose	No

Comments:

I will immediately challenge this law if it passes. The court already found that in person registration is onerous. I intend to establish out of state residency soon, but I will travel back to Hawaii often. I will bring the firearms of my choice with me when I travel, and I will carry them on my person as self protection as soon as the Supreme Court recognizes the constitutional right to bear arms. There is no reason why I should have to take my legally owned and constitutionally protected property into police stations for inspections every time I cross state or county lines. This law will not survive a legal challenge. This legislature or the its committee should kill this bill now. Please stop wasting time considering bills that will not survive constitutional challenges.

**SB-3043**

Submitted on: 1/31/2022 6:39:28 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ryan Arakawa	Individual	Oppose	No

Comments:

This bill doesn't make sense. HPD has an online registration which makes it efficient. This bill would waste tax dollars by requiring in-person registration with paper forms - only in Hawaii would we consider going from an automated to manual process.

IDIOTS

**SB-3043**

Submitted on: 2/1/2022 11:44:09 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kent Kurihara	Individual	Oppose	No

Comments:

I oppose this bill on several points.

First, the proposed procedures have already been found to be constitutional. In-person registration, and inspection have already been rolled back to reflect this, hence reinstating them will render them once again, unconstitutional.

Second, requiring citizens to bring legal firearms to the police department requires additional travel time, time off from work, use of the public transportation system and/or car service. Exercising constitutional rights of gun ownership should not be a burden on the citizenry

Third, the regulations would again be different for separate counties/islands. Consistent regulations across the state is imperative for law-abiding citizens to operate within the law.

Fourth, the proposed regulations do nothing to deter criminal activity, as the criminals are not likely to engage in the permitting/registering process anyway.

Thank you,

Kent Kurihara

**SB-3043**

Submitted on: 2/1/2022 12:40:42 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Aimee Kobashigawa	Individual	Oppose	No

## Comments:

I oppose this bill as I feel an inspection of firearms has not only been deemed unconstitutional in federal court, but will force me to travel unnecessarily with my firearm. As a 5'2" 115 pound woman, I would not feel comfortable, nor safe, carrying an unconcealed firearm. There is a lot of crime and homelessness in town and I would be afraid of being attacked and my firearm stolen by criminals. People in Honolulu have been attacked for less. This is why I strongly oppose this unconstitutional law trying to be passed.

**SB-3043**

Submitted on: 2/1/2022 1:33:37 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
George Carvalho	Individual	Oppose	No

## Comments:

I am very disappointed in the state of hawaii on how they handle gun related laws then end up making the average citizen confused and not sure of what is right or wrong and provides them the tax payer Loops Hurdles and more requirments then is necessary all along not doing anything to disempower the criminals that dont get any laws added to make there existence more difficult example Tasers not out very long now want to restrict example illegal aerial fireworks but nothing done to ban possession so no one gets punished because the way law is now. Just saying lived here all my life but is sure is getting difficult. Enforce laws we have already that alone should help!



**SB-3043**

Submitted on: 2/1/2022 11:56:13 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
tania victorine	Individual	Oppose	No

Comments:

We are Americans and as such, it is OUR CONSTITUTIONAL RIGHT to own firearms. For PROTECTION, and to HUNT FOR FOOD. It shall NOT BE INFRINGED.

**SB-3043**

Submitted on: 2/1/2022 1:44:24 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Robert A Okuda	Individual	Oppose	No

Comments:

Dear Committee members, I strongly oppose this bill that will futher impede my constitutional rights as a United States citizen. This bill serves no public interest and has zero effect on criminal use of firearms.

Respectfully, Robert Okuda

**SB-3043**

Submitted on: 1/31/2022 7:14:05 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kallen B	Individual	Oppose	No

Comments:

I oppose SB3043 because online registration prevents me from taking too much time off from work vice coming in person to register.

**SB-3043**

Submitted on: 1/31/2022 7:42:36 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Chase Cavitt	Individual	Oppose	No

Comments:

I am writing to oppose SB3043 as it is another attempt to manipulate firearm owners into a misleading bill that would delay legal transfers and goes against recent rulings stating it was not necessary for individuals to bring in any firearms for inspection by the police for a transfer. I am already delayed far too much when purchasing a firearm and feel this inconvenience is by design with the intent to make it to where less people legally purchase firearms in Hawaii. I am tired of having to take time every year to write in to defend my basic right to purchase a tool that I use completely within the laws and am consistently inconvenienced by the current laws already when trying to purchase or sell a firearm I own or want to own. I am unable to take time off work during the hours that the police department accepts firearm appointments and it is beyond frustrating that more restrictions are being proposed. This is not acceptable to me and many others harmed by restrictive, unnecessary and unconstitutional requirements that already exist and some which were very recently removed. Please do not restrict our rights further. I ask you to please not allow this bill to go any further.

**SB-3043**

Submitted on: 2/1/2022 1:50:22 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Roger Walraven	Individual	Oppose	No

Comments:

I speak in opposition to SB 3043. I am an avid State of Hawaii licensed game hunter, that hold multiple hunting licenses and permits throughout the United States of America. Your proposed bill would further infringe upon my being able to freely and openly transport a firearm on airline flights to and from my homes in Hawaii. As a sports shooter, I am already curtailed enough by the existing FAA requirements to transport my firearms and ammunition from my home on Kauai, to my property on Molokai and return. Likewise, my trips to hunt in Virginia and return are affected by the same existing FAA regulations. What possible good can come from any further State intervention? Your SB3043 is redundant and further violates the Constitutional Rights of your citizenship.

**SB-3043**

Submitted on: 2/1/2022 2:07:12 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Mallory De Dely	Individual	Oppose	No

Comments:

I am writing this in strong opposition to the bill SB3043. As a responsible and avid gun collector for most of my life, I have seen many bills come and go. Some were bills that would be beneficial for the people of Hawaii while there were those also that were not. This bill not only impedes progress in our gun community but also has been ruled unconstitutional in a federal court. Wasting time, effort and money on moot points in previously overruled court hearings seems to be what hawaii's political game is. The further inspection of any legally purchased firearm,ie; taking off of work, clearing of the days schedule just to stand in line and have the firearm looked over by an officer is insulting and redundant. The selling party, has the correct serial number stamped on the item, our paperwork has the correct number stamped on it and any further inspection would be a waste of our time and tax payers money to that officer scrutinizing it. If time and tax money came freely I wouldnt have a problem with it but since neither do,I say No to this bill.

**SB-3043**

Submitted on: 2/1/2022 7:44:59 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Donald Correia	Individual	Oppose	No

Comments:

I as a citizen of the United States, strongly oppose this anti-constitutional Second Amendment bill , it will greatly affect me by restricting my Second Amendment right.

**SB-3043**

Submitted on: 2/1/2022 1:14:24 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Rogelio Lazaro	Individual	Oppose	No

Comments:

I am writing to oppose SB3043: reimplementing in person registration/inspection of firearms at the police station.

This bill is regressive and does not serve public interest nor have effect on criminal use of firearms.

The current system being used by HPD is running just fine. Compared to the previous system where you had allot of people lugging around their firearms in downtown for registration purposes. The current system being utilizealready allows a person to bring in their firearm(s) for registration should they want, by choice.

This bill have already been ruled unconstitutional by the federal courts. Why would you reimplement a bill that is not legal and wrong?

I urge you to kill this bill. Mahalo.



**SB-3043**

Submitted on: 2/1/2022 1:03:12 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michael S. Downing	Individual	Oppose	No

Comments:

**Aloha Legislators,**

**Mahalo for having me as an USA Citizen of Maui, Hawaii and voter to comment on SB3043. I propose this bill and any other bills that violates my constitutional rights to "...the right of the people to keep and bear Arms, shall not be infringed" - USA Constittion - Amendment II.**

**This proposed bill infringes on my right to keep and bear Arms. Hawaii has one if not *THE* strongest gun laws in the United States on its books to own a gun. We do not need to have anymore bills.**

**Mahalo,**

**Michael S. Downing, P. E.  
Wailua Road, Ke'anae  
Hawai'i 96708-5794**

**262  
Haiku, Maui,  
Cellular/Text: (808) 281-1534**

**SB-3043**

Submitted on: 2/1/2022 12:31:17 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Tracy	Individual	Oppose	No

Comments:

I Strongly oppose this bill. It is a violation of my rights and is not needed. Supporting any restrictions to my 2nd ammendment right is a violation to your oath of office. You are a servant of the people under an oath to protect our rights. This bill and any similar restrictions are infringments to thoes rights.

**SB-3043**

Submitted on: 2/1/2022 2:24:32 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Laurie Burgess	Individual	Oppose	No

Comments:

**SB-3043**

Submitted on: 2/1/2022 1:50:05 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Scott Smart	Individual	Oppose	No

Comments:

I OPPOSE SB3043. This bill is an attempt to get around the US District Court's findings under the rule of intermediate scrutiny applied in YUTAKE that found the 10-day permit usage period for handguns, and physical inspection requirement unconstitutional under that scrutiny.

The bill does little more except to repeat the state's arguments given at trial, except to cite a "study" about permitting which did not look at all on inspection nor at timeframes for using permits.

The bill appears to throw a dart at the calendar and use a 30-day usage period and hope that the courts will be more sympathetic. It also claims that the physical inspection is actually a help to gun owners by alerting them to firearms illegal in Hawaii. Gun owners don't need that help.

Considering the uncertainty around Young v. Hawaii and possible further guidance from the US Supreme Court, I recommend that the legislature take no action on changes to Chapter 134 at this time.

**SB-3043**

Submitted on: 1/31/2022 9:16:51 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
chris p pang	Individual	Oppose	No

Comments:

To Whom It May Concern,

I oppose bill SB3043. I feel this bill makes it hard on the gun owner to register their firearms, which is unfair because too much time will be required.

Thank you,

Chris

**SB-3043**

Submitted on: 2/1/2022 10:57:46 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Joshua Medeiros	Individual	Oppose	No

Comments:

Aloha E Kokua,

As a Member of the Hawaii Army National Guard and Citizen of the State of Hawaii. I Joshua Medeiros **oppose this bill**. This bill will require "in person" registration, which the federal court has already ruled as unconstitutional. This bill will require unnecessary travel with a firearm to hpd firearms and cause missed work, school, military service, etc.

The system that the HPD has in place without bringing "in person" a firearm in works. As a Member of the public I will state this bill serves no public interest and has no effect on criminal use of firearms.

I am asking you as a law abiding Citizen and Member of The Hawaii Army National Guard to **SAY NO AND OPPOSE THIS BILL**.

Mahalo,

**SB-3043**

Submitted on: 2/1/2022 11:54:09 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Mary Smart	Individual	Oppose	No

Comments:

Stop writing and passing legislation that violates our 2nd Amendment Constitutional rights.

Do not pass SB3043. We expect our Representatives and Senators to uphold the Constitution.

**SB-3043**

Submitted on: 2/1/2022 11:29:04 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Edelio Gerola	Individual	Oppose	No

Comments:

I respectfully oppose this bill and I urge our representatives in the senate and house to oppose the same.

This bill is restrictive to those who cannot take a day off or a few hours off from work in order to do in-person registration. This will prevent us from exercising our constitutional rights while there's no measure to affect criminal use of firearms. In addition, in-person registration has already been ruled unconstitutional in federal court.

Please vote to oppose this bill. Thank you.



**SB-3043**

Submitted on: 2/1/2022 4:39:13 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Paul Fukuda	Individual	Oppose	No

Comments:

I strongly oppose this bill. It once again includes in person registration and in person inspections that were both struck down as unconstitutional. Why reintroduce these rules that have already been struck down? It's common sense that these rules only affect law abiding citizens and not criminals who do not care or follow established rules.

Paul Fukuda, P.E.

**SB-3043**

Submitted on: 2/1/2022 3:17:26 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
jason wolford	Individual	Oppose	No

Comments:

Aloha,

I am testifying in opposition to this bill. As there was already law suit that confirmed having to require the extra steps it take as unconstitutional. This will again place more burden and cost citizen time and money to take off work to comply with this new law. It also is a slope to go back to making all registration to be taken to the police department for inspection. This has cost me 3 days of lost work and approximately 900 1200 dollars just to register a fire arm I might bring back from my other home on the mainland. This seams a way for legislators to get back at the gun community for losing the earlier lawsuit.

Mahalo

Jason T Wolford

**SB-3043**

Submitted on: 2/1/2022 2:23:48 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
kaulana silva	Individual	Oppose	No

Comments:

I oppose this bill because its taking us back to old time where we have to go back and forth to the police stations which take a lot of time , and in my opinion this bill doesn't really affect criminal and only is law abiding citizens .

**SB-3043**

Submitted on: 2/1/2022 2:15:40 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
J.Y.	Individual	Oppose	No

Comments:

Hello,

I opposed these proposed unconstitutional changes. The changes do nothing to protect the public.

These changes will put new firearm owners, current firearm owners, and the general public at risk due to the unnecessary transport and storage of firearms in private vehicles. If individuals are made to physically take firearms to HPD for registration, you are making individuals store their firearms in their vehicles.

The new changes to registration (online) have been very positive and are working. There has been less gatherings of people at HPD and many individuals do not have to take off of work to register a legal firearm purchased legally from an individual or store.

Thank you for taking my written testimony into consideration.

**SB-3043**

Submitted on: 2/1/2022 12:48:33 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Samuel M. Aquino Jr.	Individual	Oppose	No

Comments:

I am submitting this written testimony to inform you that I STRONGLY OPPOSE SB3043. This bill would basically undo the Yukutake v. Conners court ruling and force legal gun owners back to the VERY tedious process of having to make MULTIPLE trips to HPD's main station. This forces the majority of firearms owners to have to take time off of work and possibly lose out on those day's work wages. The new process that has been implemented as a result of the Yukutake v. Conners case is MUCH more streamlined and reduces the long lines at HPD. That is good considering we are still in a covid-19 pandemic. This bill is a step backwards and a burden placed upon legal firearms owners.

**SB-3043**

Submitted on: 2/1/2022 12:49:34 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Mark Woodward	Individual	Oppose	No

## Comments:

I oppose SB 3043. It will once again require unnecessary travel with a firearm. Because of difficulty finding parking downtown during business hours and the easy access to downtown via the Bus, I prefer to use public transportation when I can. I am uncomfortable carrying firearms on public transportation and I am sure others are also. I am sure other passengers are also uncomfortable with this. This bill will also require unnecessary time off from work and will complicate the registration process. Will this bill really have any effect on criminal use of firearms?

**SB-3043**

Submitted on: 2/1/2022 3:13:47 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Keola De Dely	Individual	Oppose	No

Comments:

I am writing this in strong opposition to the bill SB3043. As a responsible and avid gun collector for most of my life, I have seen many bills come and go. Some were bills that would be beneficial for the people of Hawaii while there were those also that were not. This bill not only impedes progress in our gun community but also has been ruled unconstitutional in a federal court. Wasting time, effort and money on moot points in previously overruled court hearings seems to be what hawaii's political game is. The further inspection of any legally purchased firearm,ie; taking off of work, clearing of the days schedule just to stand in line and have the firearm looked over by an officer is insulting and redundant. The selling party, has the correct serial number stamped on the item, our paperwork has the correct number stamped on it and any further inspection would be a waste of our time and tax payers money to that officer scrutinizing it. If time and tax money came freely I wouldnt have a problem with it but since neither do,I say No to this bill. Thank you for your time.

**SB-3043**

Submitted on: 2/1/2022 4:40:47 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Daniel Oshima	Individual	Oppose	No

Comments:

Firearms already in locally registered status with HPD Firearms Unit should be able to be transferred and thus registered to the next legally allowed individual (who already and currently has their longgun permit). Firearms not locally registered that are brought in by an individual from out of state should be allowed to be either declared and registered online or if the individual chooses; may be physically brought in to Firearms Unit for registration.

Thank you, Daniel Oshima



**SB-3043**

Submitted on: 2/1/2022 2:04:29 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kamakani De Dely	Individual	Oppose	No

Comments:

I am writing this in strong opposition to the bill SB3043. As a responsible and avid gun collector for most of my life, I have seen many bills come and go. Some were bills that would be beneficial for the people of Hawaii while there were those also that were not. This bill not only impedes progress in our gun community but also has been ruled unconstitutional in a federal court. Wasting time, effort and money on moot points in previously overruled court hearings seems to be what hawaii's political game is. The further inspection of any legally purchased firearm,ie; taking off of work, clearing of the days schedule just to stand in line and have the firearm looked over by an officer is insulting and redundant. The selling party, has the correct serial number stamped on the item, our paperwork has the correct number stamped on it and any further inspection would be a waste of our time and tax payers money to that officer scrutinizing it. If time and tax money came freely I wouldnt have a problem with it but since neither do,I say No to this bill. Thank you for your time.

**SB-3043**

Submitted on: 2/1/2022 5:09:36 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Erin Austin	Individual	Oppose	No

Comments:

Hawaii already has some of the strictest gun laws in the country, we do not need more. Law abiding gun owners already follow the laws. Criminals who use guns for crimes will still do so and changing the laws will not affect the people who do not abide by them.

**SB-3043**

Submitted on: 2/1/2022 3:20:10 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Taarna D'Adamo	Individual	Oppose	No

Comments:

This bill would reimplement in person registration and reimplement firearms inspections that were both already ruled unconstititutional in Federal Court.

This bill makes unnecessary travel with a firearms.

It will put a financial strain on my family making us take additional time off of work.

This bill does not stop criminal use of firearms

The bill will give law abiding citizens four different registrations systems to navigate across the state.It will not simplify the process.

**SB-3043**

Submitted on: 2/1/2022 4:14:49 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Galen J. Pao	Individual	Oppose	No

Comments:

I'd like to go on record as opposing SB3043.

It will reimplement in person registration and firearm inspections, both which were recently deemed unconstitutional in federal court.

It again will require additional requests for days off just to exercise our 2a right to own firearms.

It will require unnecessary travel with the firearm, increasing possible theft.

The bill does nothing to improve the strengthening of laws that will eliminate criminals from acquiring firearms illegally. This bill only punishes law-abiding citizens like myself who follows laws but is put at a disadvantage when trying to protect myself and loved ones.

Please re-consider eliminating SB3043. It is unconstitutional.

**SB-3043**

Submitted on: 2/1/2022 5:18:10 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ramiro Noguero	Individual	Oppose	No

Comments:

Oppose

**SB-3043**

Submitted on: 2/1/2022 3:03:27 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Shane Sarae	Individual	Oppose	No

Comments:

It is not right to add laws/rules/restrictions for law abiding citizens who need help to feel safe from the thousands of criminals on the streets because our stupid government doesn't lock them up and make laws to stop the criminals, why make laws to stop honest citizens because those laws don't stop the criminals, I mean how is the law against drugs working out...criminals still use and sell drugs, I think it is ridiculous to hear of a guy with 161 CONVICTIONS over 15 years still on the street committing crime against honest people and the cops really don't do anything because our laws are crap and they don't get locked up anyway...consider HPD solves less than 10% of all crime, that guy did over 1610 crimes that he never got caught...imagine if there are over 2000 reported catalytic converter thefts reported how many are not reported and not solved, we need to build a huge price, like the feds make it a high rise since we don't have the space and seriously why are we paying arizona, build our own and double the size so there is room for additional punks to be put away...why screw with honest citizens and make it harder for them and make them jump through hoops, this is NOT going to reduce crime, the criminals already do the crime and continue daily, make laws for that, not to hassle honest people who are now scared and why 3 houses that i know of in my neighborhood got robbed in the last year and NOT solved...and this is just what i am aware of...who knows how many punks are getting away with unreported crime because a lot of old asians are shame to admit they are robbed...so ridiculous that you are trying to stop/hassle us law abiding citizens from our 2A rights, bullies/punks/criminals are growing in boldness in the crimes they are committing, people need help, 2 of my cousins are cops and they have told me that the only thing that stops a bad guy with a gun is a good guy with a gun and when calling 911, the cops don't get there when the crime is in progress most of the time, why do cars kill people but you don't make rules/laws to stop all the aholes who have no insurance/no drivers licenses/ etc get away...how does a bitch drive down the wrong way on a well know one way road get away with dui just because she is connected and NO insurance...WTF and no fine or penalty and no ticket, this is ridiculous how crooked the legislature is...make laws for the criminals, put them away, why are so many old people scared to walk in chinatown...so many looney tunes...put them in a looney tune hospital/building/whatever but get them off the FRENCH streets, so many smash and grabs from cars. criminals do not get guns legally, they get them from the streets, they do not get drugs legally, they get them from the streets, give us honest people the right to fight back and protect our property legally, we never locked our doors growing up in kaimuki...WTF happened...F'ng drugs/homeless/etc...make real laws with teeth that actually makes a difference and lock up the punks, so much shoplifting and nobody stops them, we are all paying too much because of them

**SB-3043**

Submitted on: 2/1/2022 2:52:14 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Gavin Lohmeier	Individual	Oppose	No

Comments:

strongly oppose SB3043. first of all, in person registration was already recently ruled unconstitutional by the supreme court. this bill is totally unnecessary. it will have no effect on crime because criminals don't register guns and/or use illegal guns. is there proof that registering guns online increases crime? no, there is no proof whatsoever.

**SB-3043**

Submitted on: 2/1/2022 5:14:07 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
James Austin III	Individual	Oppose	No

Comments:

wont change a thing for those who use guns to commit crimes, they dont abide by the law as it is, it only makes things more difficult for those who use fire arms responsibly.



**SB-3043**

Submitted on: 2/1/2022 5:31:31 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Stephen T Hazam	Individual	Oppose	No

Comments:

Please OPPOSE SB3043. This bill does nothing to increase public safety, but adds unnecessary burdens to a citizen who needs to register a firearm under certain circumstances. In most circumstances, firearms may be registered online, via email or by phone. There is no reason that registration for these certain circumstances needs to be any different. If approved this bill would require me to spend additional time; and therefore money, to travel in order to register my firearm. Additionally, it requires me, unnecessarily to travel in public with my firearm.

SB3043 does not increase public safety. It places unnecessary additional burdens of time and money on me and therefore, is an infringement on my RIGHT to keep and bear arms.

Please OPPOSE SB3043.

**SB-3043**

Submitted on: 2/1/2022 5:33:07 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Dillon Ginto	Individual	Oppose	No

Comments:

To have in person registration for firearms would be dangerous to the community as a whole. This bill is unconstitutional in nature and it's guidelines would compromise and contradict the actions the state has put forward to combat COVID 19. This goes against federal guidelines which has determined this to be unconstitutional. It is very contradictory and hypocritical to bring this into law when you have made it so clearly that we must fight this pandemic. Bringing this bill into law would do nothing but potentially expose people to COVID and result in more infections and possible deaths that could be extremely avoided.

**SB-3043**

Submitted on: 2/1/2022 5:33:51 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jon Cornforth	Individual	Oppose	No

Comments:

I am strongly opposed to this bill. Registration currently does not require inspection or an in-person visit. This bill will reimplement in-person registration, and this was already ruled unconstitutional in a federal court. It will also reimplement firearms inspections, which were already ruled unconstitutional in a federal court. Firearms owners are not the problem in the aloha state.

**SB-3043**

Submitted on: 2/1/2022 5:39:52 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kevin J. Cole	Individual	Oppose	No

Comments:

Aloha,

I am vehemently opposed to SB 3043. The recent change to the registration process has been beneficial for not only firearms owners but to the Police Department too.

Firearms owners used to be forced to bring their items to the station. This required the carrying of cased items thru the downtown area, which is very awkward to say the least. Then once inside, the narrow confines of the HPD halls made it difficult to easily display the items for the police. Then upon completion, people would then have to return the items home for storage. Since people cannot store the items in their car they would often have to take off a full day work.

The fact that people do not have to bring in items but just provide the vital information makes things easier for them while complying with the spirit and letter of the law.

Also, the cumbersome process is not good for HPD. Several officers have expressed support for the new methodology as it makes things less burdensome on them.

Many states on the mainland do not have in person registration like that proposed in SB 3043 and it works very well. Hawaii does not need to go back to the old way of registration.

Please do not support SB 3043.

V/R

Kevin J. Cole, Col USAF Ret. Mililani

**SB-3043**

Submitted on: 2/1/2022 5:37:58 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Gary Fuchikami	Individual	Oppose	No

Comments:

I'm writing as I'm strongly opposed to this bill because of a number of troubling issues, the most important of course is the fact that many provisions of this bill are unconstitutional as previously ruled by federal courts. The greatest problem is that none of the things you're trying to do will have ANY IMPACT at all on firearms-related crimes. There's no record of such things leading to any such crimes. All it does is making it more difficult for lawful residents from obtaining their Constitutionally-protected rights to possess firearms.

Perhaps instead of the Legislature wasting time and taxpayer funds (not to mention the additional workload for the local police at only ONE location on Oahu) you should provide funding to allow registration of newly purchased firearms at ALL Oahu police stations. It's incredibly ridiculous that Oahu residents are all forced to drive downtown to register their firearms and endure LONG lines and waiting periods because there is only ONE location on the entire island of a million people. Even the Big Island has 2 locations to register firearms despite its very small population compared to Oahu.

Please vote against this bill because it will cost more taxpayer monies to be wasted when if this bill passes and ends up going to court in a lawsuit which the State will lose as precedence has been set already that many parts of this bill is unconstitutional. Aloha & God Bless!

**SB-3043**

Submitted on: 2/1/2022 6:01:49 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Joel Berg	Individual	Oppose	No

Comments:

Requiring in person registration is counter intuitive. Why would anyone LIE about registering a firearm, particularly when the alternative for those of nefarious intent is to quietly not do it at all for private sales or out of state firearms brought in. This law makes being complaint with registration more difficult to the point that individuals will not bother registering at all.

**SB-3043**

Submitted on: 2/1/2022 7:26:52 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
shawna kahoopii	Individual	Oppose	No

Comments:

It's our constitutional RIGHT to bare arms. Take away our guns and you're taking away freedom and liberty. As a free American we have the right to bare arms and protect ourselves, our home , our family.

**SB-3043**

Submitted on: 2/1/2022 7:20:28 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Patricia de Los Santos	Individual	Oppose	No

Comments:

I oppose SB3043 because this bill requires in-person registration of a firearm and in-person inspections of firearms at the police department for out of state firearms brought into Hawaii, for private person to person sales of firearms, and for ghost guns.

The way it is right now, registering online without an inspection or in-person visit is working great just the way it is. Please do not change it.

It was already ruled unconstitutional in a federal court to reimplement firearms inspections.  
UNCONSTITUTIONAL.

To have my firearm inspected, I will also need to take additional time away from work. Traveling from the firearms store or from my home to the police department will require me to travel with my firearm in my vehicle unnecessarily.

This bill has no effect on the criminal use of firearms. It will not serve the public interest by forcing law-abiding citizens to travel with the gun in the car to the police station, just so they can see the gun. I would rather not have to travel unnecessarily with the gun in my car and would rather keep it in a secure place at home.

This is why I oppose this bill SB 3043.

Thank you,

Patricia de Los Santos



**SB-3043**

Submitted on: 2/1/2022 6:09:11 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jonathan Fong	Individual	Oppose	No

Comments:

I oppose this bill because it is unconstitutional. It was already found unconstitutional by the federal courts and it's ridiculous to try to pass this again.

**SB-3043**

Submitted on: 2/1/2022 6:55:54 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Joelle Seashell	Individual	Oppose	No

Comments:

What part of shall not be infringed do you NOT understand. Did you not take an oath to uphold the constitution. You folks will be held accountable. Vote no

**SB-3043**

Submitted on: 2/1/2022 7:42:27 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jan Combs	Individual	Oppose	No

Comments:

I strongly oppose Bill SB3043. This bill will require firearm owners to register in-peron AGAIN. This was already ruled unconstitutional. In previous years, it was very difficult to own a firearm due to the time I had to take off from work. I lost a full days incomes for the numerous times I needed to show up in person. This bill makes is difficult for law-abiding citizens, working class citizens to exercise their Constitutional right to own a firearm. "The right of the people to keep and bear arms shall not be infringed."

**SB-3043**

Submitted on: 2/1/2022 7:34:50 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Raynel Leo Espiritu	Individual	Oppose	No

Comments:

This bill was already deemed unconstitutional.

This bill will take a lot of time (2 to 3 days) from my work and family that I can't afford.

This is just a control to community and has nothing to do with safety.

Inspection of firearms has nothing to do with firearm crimes.

**SB-3043**

Submitted on: 2/1/2022 6:02:25 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Alvin K Pelayo	Individual	Oppose	No

Comments:

Aloha,

Thank you for the opportunity to testify.

Please amend the bill to exclude the portions of the bill that require in-person Firearm registration and inspection of Firearms at the County Police Departments, specifically:

- Out of state firearms brought into Hawaii
- Private person to person sales

Currently, registration does not require inspection or an in-person visit. It is done online, via telephone or email and is working.

- In person registration of firearms has already been ruled as unconstitutional in Federal Court.

**SB-3043**

Submitted on: 2/1/2022 6:09:26 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ken Nakakura	Individual	Oppose	No

Comments:

I oppose SB3043 and any and all bills whose intent is to take away the rights and infringe on those rights and make it harder for lawful gun owners and enthusiasts to acquire and keep and use any and all guns.

SB3043 will not do anything to stop criminals from acquiring and using guns unlawfully. It will only put more restrictions and make it harder for law abiding gun owners and enthusiasts acquire and register their legal guns.

Hawaii has more than enough gun laws regulating acquiring, registering and keeping guns that we lawful gun owners follow.

But these are useless and mean nothing to criminals who disregard the laws, no matter how many you make and no matter how harsh.

Go after and catch the criminals that disregard all the gun laws already on the books. And prosecute and convict them instead of making more laws that just put more restrictions and inconvenience on the gun owners already following the laws.

For example the criminals that used a gun to rob a sports card store just the other day.

Hawaii's restrictive gun laws do nothing to stop criminals like these from acquiring guns unlawfully and/or using them unlawfully.

Once again I oppose SB 3043 and any and all others laws intent on only putting more restrictions on lawful gun owners and enthusiasts. And which also have been ruled unconstitutional in federal court.

I also want to urge you to overturn other restrictive Hawaii gun laws that violate the Second Amendment of the United States Constitution.

**SB-3043**

Submitted on: 2/1/2022 7:42:25 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
curtis silva	Individual	Oppose	No

## Comments:

I am against this bill. I believe that this is an unconstitutional bill and will leave good citizen without means to protect themselves in the very place that should be considered safe, their home. Crime, drugs, and homelessness is rising on O'ahu and I have seen homeless people in communities that I had never seen them in before. Please do not make owning a gun for those who follow the law more difficult than it currently is. Guns don't cause violence, but it is the people who uses them. We should focus our attention on increasing penalties for those carrying illegal guns.

**SB-3043**

Submitted on: 2/1/2022 8:09:19 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Samuel Webb	Individual	Oppose	No

Comments:

I oppose this bill because it reinstates all changes from previos lawsuit.You will now have to bring firearms in for inspection, causing us to take more days off and cause unnecessary travel and it will not effect criminals.



**SB-3043**

Submitted on: 2/1/2022 6:46:11 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
James "Jim" O'Keefe	Individual	Oppose	No

Comments:

I write to oppose SB3043 that requires in-person inspection of firearms for private firearms transfers and of firearms and firearm receivers with engraved or embedded serial numbers. Given that these firearms are all already registered in Hawaii, and given that the purchaser has a valid permit to acquire, this requirement serves only to inconvenience law-abiding transferees, with no discernible benefit to public safety. For working people, this means the better part of, or perhaps even a whole day without pay, since the firearms registration windows in most of the State's Police Departments are open very limited hours.

**SB-3043**

Submitted on: 2/1/2022 7:38:56 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
marie silva	Individual	Oppose	No

## Comments:

I am completely against this bill. First, I am not a gun owner, but I am a supporter of rights. I believe that this is unconstitutional and will leave good citizen without means to protect themselves in the very place that should be considered safe, their home. Crime, drugs, and homelessness is rising on O'ahu and I have seen homeless people in communities that I had never seen them in before. Please do not make owning a gun for those who follow the law more difficult than it currently is. Guns don't cause violence, but it is the people who uses them. We should target gun laws to those who carry illegal guns and not law abiding citizens.

**SB-3043**

Submitted on: 2/1/2022 7:51:01 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Myron Hoefer	Individual	Oppose	No

Comments:

I oppose the portion of this bill that would require a physical inspection of a firearm by the police department for private sales. Firearms transferred thru a private sale are most often already registered and a physical inspection is not justified or legal per the recent Federal ruling.

**SB-3043**

Submitted on: 2/1/2022 7:39:43 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Eric Akiyama	Individual	Oppose	No

Comments:

I oppose SB3043. This bill, if passed, does nothing to increase public safety or reduce crimes with firearms. It will require unnecessary travel with firearms for the purpose of inspections that were recently ruled unconstitutional in a federal court.

**SB-3043**

Submitted on: 2/1/2022 6:20:06 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
SEAN DEMELLO	Individual	Oppose	No

Comments:

I believe this is unconstitutional. This will cause an undue burden on working class law abiding citizens. It will also require unnecessary travel with a firearm.

**SB-3043**

Submitted on: 2/1/2022 8:05:39 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
William Lono	Individual	Oppose	No

Comments:

*I oppose bill SB3043. This bill will reimplement firearms inspections and in-person registration, and this was already ruled unconstitutional in Federal Court. Thank you for your time. Aloha!!!*

**SB-3043**

Submitted on: 2/1/2022 8:12:09 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Sterling Luna	Individual	Oppose	No

Comments:

Currently, registration does not require inspection or an in-person visit. It is done online, via phone or e-mail and is working great.

This was just recently implemented because of lawsuits and here they trying already to alter it. Reimplement firearms inspections, and this was already ruled unconstitutional in a federal court.

In alot of instances will require additional days off work when registering firearms.

This bill serves no public interest and has no effect on criminal use of firearms as criminals don't legally attain firearms.

**SB-3043**

Submitted on: 2/1/2022 9:58:35 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
David P Vea	Individual	Oppose	No

Comments:

Aloha,

I strongly oppose SB3043 in as much as this bill will reimplement in-person registration and firearms inspections, which was just deemed unconstitutional at the higher federal court level in 2021.

Moreover, this new bill places additional burden on law abiding citizens by requiring additional days off work to register firearms. Since this proposed process is conducted during normal business hours, this will effectively cost time and money for the average citizen to unnecessarily travel back and forth requiring individuals to arrange multiple times off from work.

This bill is contrary to the public interest and has no demonstrated impact on criminal use of firearms.

Mahalo,



**SB-3043**

Submitted on: 2/1/2022 8:52:53 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Fred Delosantos	Individual	Oppose	No

Comments:

requiring the extra trips to the police station to register a gun does nothing to reduce crime, carjackings, muggings, burglaries, home invasions in Hawaii. The exceptions that result in requiring physical inspection are so broad and all-encompassing, that practically all firearms will once again require physical inspection. Consequently, this bill does nothing, except further encumber law-abiding citizens.

please oppose SB3043

**SB-3043**

Submitted on: 2/1/2022 7:48:23 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
steven a kumasaka	Individual	Oppose	No

Comments:

OPPOSE!

UNCONSTITUTIONAL!!!

the reason for the no in-person registration change was because the state/counties settled a lawsuit they were going to LOSE

passing this bill will lead to another costly lawsuit which will need to be settled because it is STILL UNCONSTITUTIONAL!!!!

**SB-3043**

Submitted on: 2/1/2022 10:03:04 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Scott Ebert	Individual	Oppose	No

Comments:

- . This bill will reimplement in-person registration, and this was already ruled unconstitutional in a federal court.**
- . This bill will reimplement firearms inspections, and this was already ruled unconstitutional in a federal court.**
- . This bill will require additional days off work when registering firearms.**
- . This bill will require unnecessary travel with a firearm.**
- . This bill serves no public interest and has no effect on criminal use of firearms**
- . It will give us four different registration processes across the state.**

**SB-3043**

Submitted on: 2/1/2022 9:25:52 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Nathan roldan	Individual	Oppose	No

Comments:

I strongly oppose this bill. This bill seeks to make a law that a federal court has just ruled to be unconstitutional and unjust. It creates back logs and makes it hard for law abiding citizens to utilize their rights. As the courts have stated, if this policy makes it so hard to utilize our rights. It will force people to find illegal ways to obtain firearms for protection. As it stands at this moment, I was able to legally apply for a permit and register my legally owned firearms within a reasonable amount of time without extra undue burden on my part. It is proven that if a citizen can obtain a firearm easily and be totally legal, they will do so. As the current process of permitting and registration is very easy and is more inline with many other states. If this bill becomes law, the courts will rule it unconstitutional again.

Thank you for your time.

**SB-3043**

Submitted on: 2/1/2022 10:24:55 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Mark Manuel	Individual	Oppose	No

Comments:

This bill is unconstitutional and has already been deemed. And this is not a safety issue instead it is to control law abiding citizen. There's no point of inspection of firearms when the crime rate here has nothing to do with it. Also this bill is just a waste of time taken away from our busy schedule from work, family and I won't let you take that way from me. Thank you and appreciate it for listening.

**SB-3043**

Submitted on: 2/1/2022 10:33:12 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Lisa Ann K. Holibaugh	Individual	Oppose	No

Comments:

Aloha! Thank you for taking the time to review my written testimony.

I oppose SB3043 due to the additional costs, in money and time, it will cost me to physically bring my firearm to be inspected at the Honolulu Police Departments' Main Station.

Furthermore I do not feel comfortable bringing my firearm to the police station as it will require me to hand carry in a case which may subject it to being stolen.

As for "ghost guns" this issue is already addressed under HRS 134-10.2., and HRS 134-15.

I thank you again for your consideration of my opposition to SB3043.

**SB-3043**

Submitted on: 2/1/2022 9:56:10 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Benel Piros	Individual	Oppose	No

Comments:

This bill has already been ruled unconstitutional in a federal court, which will cost taxpayer money to be fought in court if brought up again. Unnecessary steps for a law-abiding citizen to exercise their 2nd Amendent Right. And lastly criminals don't follow laws.

**SB-3043**

Submitted on: 2/1/2022 8:01:15 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Glenn	Individual	Oppose	No

Comments:

It seems like we've been here before and again I stand in opposition of this bill which clearly is in violation of the rights of law abiding citizens. This matter was settled in the court case Yukutake vs Connors which won in order to stream line the fire arms registration process.

Please drop this bill because it is a clear violation of the rights of law abiding citizens. It only serves to restrict those who follow the law and does nothing to prohibit any criminal who will operate outside of the law no matter what you have in force.

Please spend more time, energy and effort on bills which will fight criminal activity and fulfill the purpose that you were put in office as opposed to violating the constitutional rights of law abiding citizens. Your oath of office as a public servant is to uphold the rights of the people and represent what they want and need for Hawaii. This bill is an infringement on our rights.

The streamlined process is working great as it is. There is on need to fix something that is now doing what it is supposed to do. There is no need to change anything that has already been ruled upon. There is no need for this bill.



**SB-3043**

Submitted on: 2/1/2022 7:39:05 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Peter Bueno	Individual	Oppose	No

Comments:

The current firearm registration process is easier than the previous, two in person trips, process. I had to take days of of work and parking is scarce at HPD. Why should law abiding, responsible firearm owners/collectors go back to the old process? Is the new process not working? Was a crime comitted with the new process?

**SB-3043**

Submitted on: 2/1/2022 9:40:57 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
jayson guzman	Individual	Oppose	No

Comments:

I don't see the purpose of this bill, as in-person firearm registration and firearm inspection was recently deemed unconstitutional in federal court.

It was very difficult to exercise one's 2nd amendment rights previously, and an individual needed to take multiple days off from work in order to lawfully acquire a firearm. This bill would reintroduce those hardships once again. This is important in todays economy where inflation has caused financial hardships, and taking time off would impede on one's finances and would strain an already short-staffed workforce.

This bill will create unnecessary travel with a firearm, potentially increasing the risk of having it stolen, and in the hands of a criminal. This bill serves no public interest at all. I oppose bill SB3043.

**SB-3043**

Submitted on: 2/1/2022 10:51:37 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Cheryl Tanaka	Individual	Oppose	No

Comments:

I dont even have time to go down for the first time because of work. Why do you guys make it so hard for people?? I cant even schedule drs appointment during the week and I have to do it on the weekend. Most people work 9-5 jobs. Why are you going against the lawsuit that was just won? Why are you infringing on our rights? You guys need to understand how your everyday citizen already struggles to keep food on the table and you asking them to take 3 days off. If you guys are willing to reinburse our time off for everyone, great. but thats not going to happen.

**SB-3043**

Submitted on: 2/2/2022 12:12:08 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
kimo galon	Individual	Oppose	No

Comments:

Aloha,

I oppose SB3043. Yakutake v Connors outcome has already ruled that in person firearm registration is deemed unconstitutional in federal court. The bill will again require purchasers to travel unnecessarily with a firearm and have them require to take extra days off of work, which these days are very hard to come by due to the shortage of staffing from covid and covid restrictions. As other anti gun legislation this has no effect on how criminals will be stopped or deterred. We should not be wasting tax payers money on unnecessary legislation that has already been ruled on in federal court.

mahalo

Kimo Galon

**SB-3043**

Submitted on: 2/1/2022 8:51:31 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Dallin Hee	Individual	Oppose	No

Comments:

Members of the Judiciary and Public Safety Committee,

My name is Dallin and I stand in opposition of SB 3043 relating to firearms, firearms permits. As I read the bill it kept reinstating that information, such as current information on those who are registering, will be maintaining public safety. I strongly believe that such information does not keep the public safe from gun violence. It was mentioned on the 1st page from line 13 to 18 that implementing a 30 day waiting period will ensure public safety and that this finding is based off of knowledge and experience from the legislature and law enforcement. I would like to know what knowledge and experience is being talked about.

On page 4 you have cited data from a study that was done in Connecticut showing how permitting system has decreased gun violence. Though the study was informative, I strongly believe that studies from other states be used to see if the permitting system does in fact reduce gun violence. More research should be done before such bill be considered.

In conclusion I stand by my position in opposing SB 3043. Implementing a 30 day waiting period will not ensure public safety. The legislature needs to make it easier for residents to obtain firearms for self preservation. In doing so residents will be able to protect themselves from threats that continue to cause harm. I ask you to not consider moving this SB 3043 forward.

Thank you

**SB-3043**

Submitted on: 2/1/2022 8:56:52 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Glennon T. Gingo	Individual	Oppose	No

Comments:

Aloha from the Island of Hawaii,

I'm opposing this bill because it recreates a cumbersome registration process that is also inherently unsafe. The carrying of firearms to a point of registration and waiting in lines creates unnecessary steps to accomplish the registration process.

Thank you for your consideration.

**SB-3043**

Submitted on: 2/1/2022 6:55:55 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ed Au	Individual	Oppose	No

Comments:

**Dear Sirs,**

**Reimplementation of in-person registration, and this was already ruled unconstitutional in a federal court.**

**Additionally, reimplementation of firearms inspections, and was already ruled unconstitutional in federal court. I do not have more time to days from work to register firearms. Added more travel time with a firearm. This Bill does not serve the public interest, criminals won't abide by it. It will give us four different registration processes across the state.**

**Sincerely, Ed**

**SB-3043**

Submitted on: 2/2/2022 3:30:00 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jordan Au	Individual	Oppose	No

Comments:

To whom it may concern,

I am submitting testimony in opposition of SB3043. I think that this bill is unconstitutional and will only cause extra unnecessary burdens on firearm owners. In person registration and firearm inspections have already been ruled unconstitutional in federal court. In addition, Hawaii currently has an online registration system so there is no need for in person registration. All this bill will do is force people to take off from work and force them to travel to the appropriate police station. For example, where I work I have to bid for leave in advance and leave is taken in one week blocks. Taking off work for one day is incredibly hard. Anyone with a work schedule similar to the business hours of the firearm registration department will be burdened. I think this bill is entirely unnecessary.

Thank you,

Jordan Au



**SB-3043**

Submitted on: 2/1/2022 11:18:25 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
paul palenapa	Individual	Oppose	No

Comments:

Oppose

**SB-3043**

Submitted on: 2/2/2022 1:44:09 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jon Montenero	Individual	Oppose	No

Comments:

SB3043 is a gross step backwards in efficiency and does nothing to address criminal use of firearms, besides being unconstitutional in its requirements, as already adjudicated in court.

It imposes undue harshness upon gun owners who presently can register their firearms online. It forces people to take time off from work and travel through urban areas with a cased firearm that could subject them to criminal assault.

Above all, this is an additional bureaucratic step where none is needed. It creates additional work for the police depts that has nothing to do with reducing crime. The only effect is to further create a firearm registry which, historically, has always led to confiscation - decidedly anti-American, undemocratic and a violation of basic rights outlined in the Constitution.

It would behoove the legislature to remember Hawaii is blessed with being a part of the United States, and not a third world dictatorship that plays at enjoying the U.S. Constitution.

**SB-3043**

Submitted on: 2/2/2022 5:30:25 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Thomas Chow	Individual	Oppose	No

Comments:

We live in a digital age now where everything electronically is allowed to be conducted as official business including submitting this testimony. Requiring in person registration only takes valuable time away from owners like me having to take off from my job to go home obtain firearm, transport to the station, wait in line, register via officers typing informations into computer then I verify correctly typed in and return firearm back to home. Taking off from work for this cumbersome practice means I'm not getting paid to provide for my family when this requirement is absolutely unnecessary and the solution of online registration is already available. The bottom line is this bill and any requirement to register firearm by requiring the owner to bring them to the station has already been ruled unconstitutional. It is absolutely wasting everyone's time by creating another bill with the requirement that was already ruled unconstitutional. It is wasting my time to submit this, it is wasting your valuable time to go through this bill.

**SB-3043**

Submitted on: 2/1/2022 11:04:18 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
james wallace	Individual	Oppose	No

Comments:

You have to stop acting like communist. We have a right to bear arms. Don't force us to form a Militia which is constitutional. you guys don't learn. So hard up on taking our guns like the nazis. We are trying to protect ourselves from you guys when you build the fema camps. No more mandates, no more lock downs, no more Commies, down with the dictators!!!!!!

**SB-3043**

Submitted on: 2/2/2022 4:36:13 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Alice Abellanida	Individual	Oppose	No

Comments:

I oppose this bill. Hawaii has too many unconstitutional gun regulations.

**SB-3043**

Submitted on: 2/2/2022 7:52:22 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ryan Chong	Individual	Oppose	No

Comments:

Dear Members of the Legislators,

I oppose SB3043 as it is another bill that is not needed. The in person registration of firearms does nothing but create more of a burden for law abiding citizens. Do you believe that those who act outside the boundaries of the law will also follow gun laws? These laws only punish those who follow the law and do things right way. This bill will do nothing more than add another redundant step in the process. Thank you for your time and consideration.

**SB-3043**

Submitted on: 2/2/2022 6:16:43 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Isaac Moon	Individual	Oppose	No

Comments:

Strongly oppose.

**SB-3043**

Submitted on: 2/2/2022 6:14:57 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Shyla Moon	Individual	Oppose	No

Comments:

We already have a good system in place this will not protect illegal gun activity! It only hinders the legal law abiding citizens who also VOTE. I will be mentioning this to people I hope they understand that we have a safe effective system to protect gun ownership. Hawaii has one of the STRICTEST gun laws in place.

aloha

shy



**SB-3043**

Submitted on: 2/2/2022 7:31:37 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Francis Corpuz	Individual	Oppose	No

Comments:

It will reimplement in-person registration and inspection, which has both been ruled unconstitutional in federal court already.

It will force individuals take additional days off from work to register firearms.

It will not stop criminal misuse of firearms.

**SB-3043**

Submitted on: 2/2/2022 8:07:45 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Scott Miyamoto	Individual	Oppose	No

Comments:

I do not support Bill SB3043, nor can support those that purposed or support this Bill.

This Bill is unconstitutional for one. It is also unnecessary and will create more inefficiency in an already inconvenient registration process. Lastly I do not believe SB3043 will provide any safety for the citizens of Hawaii.

Thank you,

Scott Miyamoto

**SB-3043**

Submitted on: 2/2/2022 9:09:01 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Charles Tom	Individual	Oppose	No

Comments:

My name is Charles Tom. I am a veteran, previous HPD officer, retired HFD captain, and retired Wildlife Biotechnician with USDA Wildlife Services. I OPPOSE SB 3043. Requiring reimplement of in-person registration and firearms inspections has already been ruled unconstitutional in a federal court. Requiring the changes in this bill means I have to take my firearm or firearms with me for registration. This can be difficult when registering multiple firearms. I have used the present system without difficulty and see no purpose in changing it. As an American citizen, I oppose anything that infringes on my Constitutional rights.

**SB-3043**

Submitted on: 2/2/2022 9:16:16 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Duke malczon	Individual	Oppose	No

Comments:

The requirement of in-person registration of firearms have been deemed unconstitutional in federal court, also firearm inspection has all ready deemed unconstitutional in federal court. This bill will also require taking unnecessary days of and require time to travel to the office.

This bill does nothing to serve the public, and it has no effect on criminal use of firearms.

This bill will result in 4 different registration processes across the state.

The right to bare arms shall not be infringed.

**SB-3043**

Submitted on: 2/2/2022 7:56:03 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Clifford Goo	Individual	Oppose	No

Comments:

I am submitting testimony in opposition to SB3043. The decision handed down from a federal court has already deemed the former registration process to be unconstitutional. Why do you keep trying to go against the courts decision. Having law abiding firearms owners go back to taking multiple days off from work again to do in person registration does not increase public safety as you know very well that criminals will not abide by this law. Ghost Guns are already banned so who in their right mind would even try to register one? The current system is working well and I bet HPD is pretty happy about it. Creating different registration processes for various firearms acquisitions will make it more confusing again for firearms owners. I think we should leave the current process in place and collect data on how many unregistered firearms related incidents are committed by lawful abiding citizens before trying to go against the courts decision.

**SB-3043**

Submitted on: 2/2/2022 12:41:05 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Gordon Ho	Individual	Oppose	No

Comments:

Aloha,

I strongly OPPOSE SB3043. The right to keep and bear arms are not to be infringed upon. The previous court case regarding in-person firearms registration already proved that it was unconstitutional and does not curb firearms violence. The redundancy to reestablish this law is a waste of taxpayer money funds as well as time for the hearing. Do state officials have nothing better to do than harm the civil rights and abilities of citizens to defend and protect themselves? If I have learned anything from the COVID pandemic, is our state officials have only interest in themselves and not actually the people they are sworn to protect and serve. With the increase of crime in our declining economy, on many occasions have state officials illustrated their inabilities to act for the people of the state of Hawaii. If you truly represent the State of Hawaii and its people, then truly serve and protect those who wish to protect and defend themselves.

Mahalo,

Gordon

**SB-3043**

Submitted on: 2/2/2022 8:18:58 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
charles Ferrer	Individual	Oppose	No

Comments:

I strongly oppose SB3043. in person registration was already ruled unconstitutional by a federal court. Fire arms inspections in person was also found to be un constitutional by the same federal court. This bill has no public interest and has no effect on criminals use of firearms. criminals do what they want and do not follow thw law anyway. This bill also will cost me extra gas money at a time when gas prices are on the rise. It will also cost me lost wages by havving to take off from work to make multiple trips just to exiercise my 2nd ammendment rights. This bill is just trying to get around the federal court fuling. Legal and responsible gun owners do not buy via person to person sales from illegal sources. They will not buy from a person without the proper information and paperwork. Criminals however do not care, they buy from anyone without the proper information, and this bill will not stop thme from continuing. The same goes for out of state firearms. This will just punish the law abiding citizens, and do nothing to sop illegal activity by criminals.

**SB-3043**

Submitted on: 2/2/2022 10:03:02 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Shaun Woods	Individual	Oppose	No

Comments:

OPPOSE. Hawaii's firearms registration laws are already blatantly unconstitutional. The law was just recently changed for the better, removing the requirement for in-person registration of firearms - in fact, the in-person registration scheme was ruled unconstitutional in federal court. This bill would reinstate that scheme. People have the right to own things without begging permission from the police department. Oppose this bill. It is unconstituional and immoral, and will do nothing to improve public safety. It is soley an attempt to increase the burdens on law-abiding people.



**SB-3043**

Submitted on: 2/2/2022 9:29:54 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Richard W. Adams	Individual	Oppose	No

Comments:

I do support the 30 day recommendation.

but am opposed to the remainder of the physical registration requirements of the bill.

**SB-3043**

Submitted on: 2/2/2022 5:35:44 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Eric Kaneshiro	Individual	Oppose	No

Comments:

I oppose this bill and will vote accordingly come election day. Mahalo.

**SB-3043**

Submitted on: 2/2/2022 8:51:39 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Rita Kama-Kimura	Individual	Oppose	No

Comments:

Please note that I oppose the passing of this bill, SB3043. Sadly it appears another attempt by some legislators to make it more difficult and cumbersome for legal responsible gun owners.

This would require those purchasing firearms from outside Hawaii or those engage in private sale (person to person) to register in person. In many cases this would require the new owner to take time off of work, perhaps losing a full day of work and then require transporting the firearm to the station.

From what I understand this was already been ruled unconstitutional in a “Federal Court.” The word “unconstititutional” should be adhered to.

So please let’s stop wasting time and stop the passing of this bill.

**SB-3043**

Submitted on: 2/2/2022 10:08:49 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
John Terry	Individual	Oppose	No

Comments:

Aloha I am submitting this testimony in opposition to SB3043 because of how reimplementing the in-person firearm registration process would affect me and other law-abiding firearm owners on Oahu. Reimplementing the in-person registration process, which the federal court has already ruled unconstitutional, puts an undue burden of cost and time on me and other law-abiding firearm owners on Oahu and will have no effect on the criminal use of firearms. Please do not reimplement the in-person registration of firearms. Thank you.

**SB-3043**

Submitted on: 2/2/2022 10:09:02 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Donna P. Van Osdol	Individual	Oppose	No

Comments:

Dear Chair Nishihara and Vice Chair DeCoite:

While there is a good aspect to SB3043 such as increasing the handgun permit expiration date from 10 days to 30 days, I am submitting written testimony against the bill.

Part of the bill I do oppose is the cumbersome requirement of firearm registration and inspection of firearms at the county police departments in person for:

1. Private person to person sales;
2. "Ghost guns"; and
3. Out of state firearms brought into Hawaii.

Most importantly, I am in opposition to SB3043 because it will overturn some of the permitting and registration decisions made in the Yukutake vs. Conner lawsuit.

Thank you.

**SB-3043**

Submitted on: 2/2/2022 9:55:04 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Steven H Takekawa	Individual	Oppose	No

Comments:

As a voting, tax paying and firearms owner in the State of Hawaii, I am submitting testimony in opposition to SB3043. This bill is just a "feel good" effort being made but does not address the core issue of mis-use of firearms. Why penalize the law abiding citizen with more restrictions?

First and foremost, SB3043 is another burden placed onto the honest and law abiding citizens of Hawaii. The point being 100% missed is that there MUST BE emphasis on illegal use of firearms, felons possession of firearms, firearms used in commitment of a crime and so on.

Secondly, as the previous onerous registration method was ruled unconstitutional, why take time to beat on this issue versus focusing on enforcement of current laws or passing laws that take criminals off the streets?

What's wrong with being a hunter, being a target shooter, or even having the constitutional right to have a firearm? NOTHING. What is wrong is penalizing the same group of honest, tax paying, law abiding citizens with more barriers to owning a firearm to pursue their interests.

Please readjust your optics to focus on crime and criminal activity. Make the punishment harsh if a firearm is used in committing a crime. Pursue the source of the firearm to the criminal then punish the source!

Thank you. I am available for further discussion.

Steve Takekawa

(808) 330-9441

steve96817@gmail.com

**SB-3043**

Submitted on: 2/2/2022 7:26:02 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Woody Child	Individual	Oppose	No

Comments:

I oppose this bill.

**SB-3043**

Submitted on: 2/2/2022 1:24:37 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Victor Muh	Individual	Oppose	No

## Comments:

I am opposed to SB3043 because it is unconstitutional. In-person registration was already ruled unconstitutional in a federal court. Firearms inspections as part of the registration process was also already ruled unconstitutional.

Additionally, as a small business owner, SB3043 would force me to close my business while I register a firearm. I would also be forced to travel unnecessarily with a firearm.

Criminals don't register their firearms. SB3043 serves no public interest and has no effect on criminal use of firearms.



**SB-3043**

Submitted on: 2/2/2022 10:09:22 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Lyle HIromoto	Individual	Oppose	No

Comments:

Hello,

This bill is unnecessary and it was ruled unconstitutional in Federal Court.

Thank you.

**SB-3043**

Submitted on: 2/2/2022 10:13:56 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Richard Rosa	Individual	Oppose	No

Comments:

Oppose due to the burden it places on Legal Firearms Owners by having us transport our firearms on State/County Roadways and bringinig it to the PD's. I believe that Hawaii is one of the few states that requires this and it realy is unnessary.

**SB-3043**

Submitted on: 2/2/2022 2:05:16 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Louis Prescott II	Individual	Oppose	No

## Comments:

I oppose this bill because it requires in-person firearm registration and inspection of firearms at the county police departments. This has already been ruled as unconstitutional in federal court. Furthermore, it imposes an unnecessary inconvenience on gun owners to have to take time off from work or away from taking care of their family in order to travel to the police department to register their firearm in person. The current method for registering firearms is done online, via phone or e-mail, and it's working just fine.

In short— it ain't broke, so don't fix it.

**SB-3043**

Submitted on: 2/2/2022 10:13:46 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Christy Elkins	Individual	Oppose	No

Comments:

To Whom it May Concern,

I very stongly oppose SB3043 because it directly infringes upon my 2nd Amendment rights. Passage of this bill, will place unnecessary hardship and danger in my life. As a registered voter, I am instructing you, my elected representatives, to defeat this ridiculous bill.

The requirement of inspection of firearms has already been ruled unconstitutional. Why are we revisting this issue? This bill would require days off from work and unnecessary travel, just to register a firearm. This bill would also create 4 different registration processes across our island state.

This bill, being unconstitutional at it's base, will have zero effect on the criminal use of firearms, and will serve no public interest.

I have a bachalors degree in the health sciences and am a nurse giving back to this state. If you wish to discuss the issue with me please reach out to me.

Christy Melton Elkins

**SB-3043**

Submitted on: 2/2/2022 8:23:49 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Janice Cole	Individual	Oppose	No

Comments:

I have had firearms in my home most of my married life of 35 years and have been trained to use them safely. I am well aware of safety and we have always had several safeguards in our home to protect our children and grandchildren. This bill appears to make it more difficult for people to obtain firearms and penalize gun owners constantly by making them carry arms to the police station to register in person. This has been done remotely which has saved manpower of the police force so they can do their priority jobs. In the past, this has required taking time off from work, standing in long lines, and physically exposing the public to firearms unnecessarily. For a woman, this is even more difficult with heavier guns. This weighs heavily upon our constitutional right to have firearms. It is important for our right to protect ourselves our families, and participate in activities for competition and pleasure. Many who do not own guns do not understand guns and fear them. This is not a reason to obstruct constitutional rights. Please do not allow people who abuse this right and commit crimes to control those who are lawbiding citizens.

**SB-3043**

Submitted on: 2/2/2022 8:33:14 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
James Rosa	Individual	Oppose	No

Comments:

My name is James Rosa, owner and FFL holder of ROSAS ARMS LLC, on the Island of Kauai. I OPPOSE bill (SB3043). Education of the general public in safe firearms handling and storage is the key to reducing both firerms related crimes and accidents, although those politicians making our laws have no knowledge of reality when it comes to firearms so they just put more harmful restrictions on future and present firearms owners instead of consulting firearm trainers and federal firearms dealers. I spend endless hours daily educating the general public on firearm safety along with assisting in NRA Handgun Safety Classes as a Certified Range Safety Officer and I'm telling you right here and now that passing this Bill (SB3043) will only burden the general public with additional unnecessary time off of work and time taken away from their families. My offer stands for all law makers to contact me or attend one of our NRA Safety Classes to educate themself BEFORE making usless laws that only hurt the very people that they have been elected to protect. Thank You Very Much for your time. James Rosa dba, ROSAS ARMS LLC

**SB-3043**

Submitted on: 2/2/2022 9:22:09 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Justin Arnold	Individual	Oppose	No

Comments:

I vehemently oppose this bill. It's unconstitutional. I don't believe in limiting the freedoms that we have still left in this country. These added wait times and limitations to where people can carry electric defensive devices are absurd in the sense that it is the very place that people need to be able to carry these electric guns to defend themselves. It makes no sense to me to tell people they can legally possess such a thing, only to tell them they can't possess it anywhere they actually need it. 90 + percent of the cases where this type of device would be needed and necessary are in these places that you are prohibiting and therefore make zero sense. Every year people talk about common-sense legislation and this is absolutely the opposite of what people voted for.

**SB-3043**

Submitted on: 2/2/2022 10:00:17 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Gregory Michael Shiwota	Individual	Oppose	No

Comments:

-This bill will reimplement in-person registration, and this was already ruled unconstitutional in a federal court.

-This bill will reimplement firearms inspections, and this was already ruled unconstitutional in a federal court.

-This bill will require additional days off work when registering firearms.

-This bill will require unnecessary travel with a firearm.

-This bill serves no public interest and has no effect on criminal use of firearms

-It will give us four different registration processes across the state.



**SB-3043**

Submitted on: 2/2/2022 10:18:38 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Richard Elkins	Individual	Oppose	No

Comments:

Dear elected representatives,

I very strongly oppose SB3043 as it is a direct infringement of my 2nd amendment rights and places me and my family in jeopardy.

- Requiring inspection of a firearm brought in from another state, personally constructed, or purchased from an individual has already been struck down as unconstitutional. Making multiple trips to the police department serve no benefit and wastes everyone's time and resources.
- This bill would create more, unnecessary registration processes across our island state. Again, wasting resources.
- This bill will not impact criminal use of firearms in the slightest, but make it harder for law-abiding citizens such as myself to comply with ridiculous laws.

I implore, and instruct you, my elected representatives, to cancel this bill. I am more than willing to discuss these matters if you would like more information.

Respectfully submitted,

Richard Elkins

**SB-3043**

Submitted on: 2/2/2022 10:28:45 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Mark B Ling	Individual	Oppose	No

Comments:

Waste time should leave like it is now online unless need to see the applicant in person

thank you for taking the time to read this

**SB-3043**

Submitted on: 2/2/2022 10:39:32 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Quintin Leong	Individual	Oppose	No

Comments:

I, Quintin Leong am submitting this testimony in opposition of SB3043. To begin with the federal courts have ruled previously that it infringes on my 2nd Amendmet rights to have to bring each firearm to a local police station for inspection and registration. Please reference ruling, Yukutake V Connors. The current system consisting of online correspondence, emails and phone calls is working as designed. Reinstating the old methods of registration would only cause more loss time with work and family, as well cause me to have to travel unnecessarily with a firearm. All while simply trying to exercise my constitutional right. Most importantly it would not impede criminals from obtaining firearms.

**SB-3043**

Submitted on: 2/2/2022 11:09:33 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
davin asato	Individual	Oppose	No

Comments:

To Whom It May Concern,

I oppose SB3043 and hope that my voice will be heard by those elected representatives that will be making this determination.

SB3043 contains verbiage that makes it a requirement to bring a firearm that is acquired by a private citizen to their local police department for inspection. This verbiage was already addressed in a court case, Yukutake vs Connors, where the defendant, Yukutake, argued that this step was highly burdensome, dangerous and unnessessary to complete in person and it was decided that it could be accomplished in a online process that is currently in place as a result of the case.

In addition, the extension of registering the firearm acquired from 5 days to 30 days does little negate the clear disregard of the court's decision with regards to again bringing in the firearm physically.

Hawaii's firearm community has followed these rules for as long as they have existed, they are a law abiding group as they appreciate their rights and the ability to exercise them freely. This will not help with reducing crime or violence within our communities, but instead will, prevent our communities from being able to appropriately defend themselves.

Thank you for your time.

Respectfully, Davin Asato

**SB-3043**

Submitted on: 2/2/2022 11:22:06 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Leslie E.M. Tam	Individual	Oppose	No

Comments:

I oppose SB3043. It would cause unnecessary hardship to carry down any firearms that I want to register to my name down to HPD.. T  
The current system does not require this and works very well.

Leslie E.M. Tam

808-737-5427

**SB-3043**

Submitted on: 2/2/2022 11:21:02 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ryan Matsumoto	Individual	Oppose	No

Comments:

Hello Senators,

I strongly oppose this bill because in-person registration was recently ruled unconstitutional in Federal Court. This bill will again re-implement in-person firearm inspections that require law abiding citizens to take days off of work to register firearms they bring into the state, register private sales or transfers, and register firearms with engraved serial numbers. This bill does not serve the public interests in the name of safety and does not and will not affect criminal use of firearms. Should this bill pass, we will have four different registration processes across the state and the process was ruled unconstitutional.

Thank you,

Ryan

**SB-3043**

Submitted on: 2/2/2022 11:55:40 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Krystal Yasukawa	Individual	Oppose	No

Comments:

Aloha,

As a responsible gun-owner, this bill will only hinders law-abiding citizens of their current duties. Currently, law-abiding gun owners already register their guns. This bill does not identify criminals, individuals who break the law, and has no effect on criminal use. The registration process for guns are already strenuous on gun owners; this bill is useless and has no purpose for gun-owners. I oppose this bill, and urge the council to oppose as well.

Thank you,

Krystal Yasukawa

**SB-3043**

Submitted on: 2/2/2022 11:49:00 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Christopher Carvalho	Individual	Oppose	No

Comments:

I oppose this bill SB 3043. One reason is it would reimplement in person registration, which has been ruled unconstitutional in a federal court. Having to return to the police station to register the firearm also causes more hardship, by needing to travel a second time unnecessarily with the firearm, and needing to take days off from work to do it. This bill in no way has any effect on criminal use of firearms. It also reimplements fire arm inspection which was also ruled unconstitutional. Bills like this do nothing to help law abiding citizens exercise their 2nd amendment rights.



**SB-3043**

Submitted on: 2/2/2022 11:23:10 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Scott kawamoto	Individual	Oppose	No

Comments:

I oppose this bill as it makes the process cumbersome and time consuming.

**SB-3043**

Submitted on: 2/2/2022 12:10:54 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Misha Sarme	Individual	Oppose	No

Comments:

I am OPPOSED to this bill as it is unconstitutional on a federal level. It will also require me to take extra days off of work and put me and my family in a situation where we will be short of income that is crucial in these trying times where the economy is already in a downfall, just to go through these new processes to register or buy firearms. With covid numbers and variants at an all time high I would be putting my family and myself at unnecessary risk to have my firearms inspected or registered in person, versus online which works completely fine and keeps me safe as I do not even step foot into doctors offices or any other station or office to not possibly catch covid and pass it to my baby and son who has asthma. I hunt for my meat as the prices in stores are ridiculous and will run me broke compared to hunting for my family's food, and saves me money every month. This unconstitutional bill will ultimately waste more of my limited hard earned money to travel unnecessarily to get a gun registered or transferred in or out of my name.

**SB-3043**

Submitted on: 2/2/2022 12:22:48 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kenny Kwan	Individual	Oppose	No

Comments:

I oppose this bill as it does not help our communities be safer or benefit anyone in any way.

First of all, purchasing a firearm is the same whether purchasing through a dealer or private party. There would be no reason to require in-person registrations and physical firearm inspections just for private sales.

In-person registrations are such a burden on people trying to follow the law. They would have to take off of work to stand in line for an unknown amount of time when they could be working and supporting their family. Physically bringing in your firearm will also create un-needed transportation of the firearm. We currently have online registrations which are working great, i'm sure HPD is already busy with all the registrations coming in.

Physical inspections of firearms are also pointless because the inspector is not inspecting for safety, only for a serial number which is provided and cross checked in the database. There would be no need for physical inspections.

Also, in case anyone forgot, ANY in-person registration and physical inspection of firearms were ruled UNCONSTITUTIONAL last year, that's why we have online registrations. I support the online registration as it is very akamai and helps everyone to abide by the law. Please don't fix something that's not broke.

Please listen to the law abiding citizen and help us follow the law. Please don't deter and make following the law difficult and a burden. Please help us help you.

**SB-3043**

Submitted on: 2/2/2022 12:34:18 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ryan Willis	Individual	Oppose	No

Comments:

In person registration was ruled unconstitutional in federal court

**SB-3043**

Submitted on: 2/2/2022 12:18:47 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Christopher Tanouye	Individual	Oppose	No

Comments:

I oppose this bill because it has been ruled that in person registration of firearms is unconstitutional. This bills requirements forces working class citizens to take off of work to comply with in person registration. Since we are not allowed to conceal or open carry firearms in this state it creates unnecessary travel with firearms. It will not have any effect on the illegal use of firearms by criminals. This bill will also prevent a standard process of acquiring firearms in the state. Thank you for your time.

**SB-3043**

Submitted on: 2/2/2022 12:13:56 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Thomas Moriyasu	Individual	Oppose	No

Comments:

I am strongly opposed to SB 3043. The recent change to the registration process has been beneficial for not only firearms owners but to the Police Department too.

Firearms owners used to be forced to bring their items to the station. This required the carrying of cased items thru the downtown area, which is very awkward to say the least. Then once inside, the narrow confines of the HPD halls made it difficult to easily display the items for the police. Then upon completion, people would then have to return the items home for storage. Since people cannot store the items in their car they would often have to take off a full day work.

The fact that people do not have to bring in items but just provide the vital information makes things easier for them while complying with the spirit and letter of the law.

Also, the cumbersome process is not good for HPD. Several officers have expressed support for the new methodology as it makes things less burdensome on them.

Many states on the mainland do not have in person registration like that proposed in SB 3043 and it works very well. Hawaii does not need to go back to the old way of registration.

Please do not support SB 3043.

**SB-3043**

Submitted on: 2/2/2022 12:32:10 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Andrew Subia	Individual	Oppose	No

Comments:

This bill will take more of my time just to register when it is already convenient to register online.

**SB-3043**

Submitted on: 2/2/2022 12:47:58 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Christy Gusman	Individual	Oppose	No

Comments:

Dear Senators,

This bill needs to be ammended there are some good parts to this bill however

it includes reimplementaion of in-person registration, and this was already ruled unconstitutional in a federal court, reimplement firearms inspections, and this was already ruled unconstitutional in a federal court.

This bill will require the person to take additional days off work when registering firearms costing the LAW ABIDING CITIZEN personal time and money to do something that has been deemed Unconstitutional in a federal court. It requires me to travel with my firearm for no real reason other than to preform a unconstitutional registration process...

This bill serves no public interest and has no effect on criminal use of firearms and will cause confusion when doing registration in other counties in the State of Hawaii.

This has no use for criminal use of firearms.

This bill would cause "WE the People" to sue the State of Hawaii, Again we will make it known that 1000's of tax dollars was wasted by members of the legislature who vote for this bill because it will not hold up in a federal court of law.

Sincerely,

Christy Kajiwara Gusman



**SB-3043**

Submitted on: 2/2/2022 11:41:51 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Brent Hamasaki	Individual	Oppose	No

Comments:

This bill is trying to reinstate to law items deemed unconstitutional in Federal Court. This issue has been addressed and a judgment issued. This is a waste of tax payer dollars, constituent and voter dollars in a state that needs all the funding it can get.

This bill will have no effect on crime and overly burden law-abiding citizens who enjoy the sport of shooting. It serves no true purpose in protecting the people. It does not have nor does it address criminal activity, criminal use of, and or criminals in general. It is targeting the voters, your constituents and supporters unnecessarily. It does not affect police powers nor does it add to police ability to control and curb crime.

Please introduce a bill that will effectively address the criminal and not the object used to commit the crime. This is like punishing the law abiding drivers and the auto maker for a drunk driver. That doesn't make sense and neither does this bill.

**SB-3043**

Submitted on: 2/2/2022 12:22:49 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Derek Drouillard	Individual	Oppose	No

Comments:

I oppose the requirement of in person registration and police inspection of firearms. I believe goes against my constitutional right to bear arms. As well as this is a misuse of my tax money. Thank you for consideration

**SB-3043**

Submitted on: 2/2/2022 11:47:17 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Robert Hochstein	Individual	Oppose	No

Comments:

Before you vote for this bill, please ask yourself what is the intent? Criminals do NOT register firearms with HPD. Only law abiding citizens do. So, why make the registration process more difficult for honest, tax paying citizens and more difficult for HPD? PLEASE vote NO on this useless bill.

**SB-3043**

Submitted on: 2/2/2022 12:35:04 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Romeo Yadao	Individual	Oppose	No

Comments:

I opposed this bill due to the fact that there is no need for unnecessary travel with firearms when in-person registration when it's resulted unconstitutional in the federal court.

It will still take time out regular citizens, essential workers, and others their own personal time and commute to meet the requirements to go (one location) in-person to register.

This bill will still not address unlawful people who tries to possess or own any firearm that is illegal or does not meet Hawaii's standards with firearms.

**SB-3043**

Submitted on: 2/2/2022 12:41:03 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kanoe Willis	Individual	Oppose	No

Comments:

In person registration was ruled unconstitutional in federal court

**SB-3043**

Submitted on: 2/2/2022 1:03:04 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jessica Tamaribuchi	Individual	Oppose	No

Comments:

Hello, and thank you for considering my testimony in opposition to SB 3043. Any bill that does not align with the Hawaii State Constitution and the US Constitution should immediately be challenged. I reside in Kona on the island of Hawaii. A few months ago I purchased a firearm on Oahu. When I returned to Hawaii Island I scheduled an appointment to apply for a firearms permit with the Hawaii County Police Department in Waimea. The appointment was on 11/10/21. I had to take 4 hours off from work to drive from Kona to the Waimea station to submit required documents, complete the background application and have my fingerprints taken. On 11/26/21, I was notified by the Kona Police Station that my permits (handgun and long gun) were ready and that the permit for the handgun was to expire on 12/3/21. On Monday, 11/29/21, I went in to the Kona Police Station to pick up the permits and was reminded of the expiration date for the handgun which was 12/3/21. The earliest I could fly out to Oahu to execute the transfer was on 12/3/21. This time I had to take a full day off from work to get this done. Upon return to Hawaii Island, on the following Monday, 12/6/21, I took my locked firearm to the Kona Police Station to get it registered. I was asked if I had an appointment and I said no. I was told by the clerk there that due to COVID, everything was done by appointment only. Sooo, my appointment to physically inspect and register my handgun was set for 12/17/21 which meant I had to come back. Luckily, my appointment was during my lunch break. So, from the time I applied for a permit to the time I completed the registration took 38 days! Unacceptable! This bill, SB 3043, seeks to reimplement in-person registration which is unconstitutional and having to take time off from work to complete the process presents a hardship. This is clearly a violation of the 2nd amendment as it is an infringement upon my right to legally possess a firearm. Because of these reasons I am vehemently against SB 3043. Thank you, Jessica.

**SB-3043**

Submitted on: 2/2/2022 1:04:40 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Reginald Eubanks	Individual	Oppose	No

Comments:

I strongly oppose Senate Bill 3043 because it serves no public interest, creates unnecessary burdens on citizens, and is redundent. The law already requires out-of-state firearms to be registered within days of arriving, therefore detailed photographs should suffice through the online system. I recently witnessed one of our nation's heroes drag over 30 firearms into HPD because he inherited his father's collection and got stationed in Hawaii. It was ridiculous! The state of Hawaii is ranked 49th in a recent study by the Cato Institute on personal and economic freedom, and this bill is part of the problem. The technology to registrar online is available so lets use it to its maximum capabilities and stay out of person to person sales. The new owner is already required to register the firearm so this is redundant. Please vote no on SB3043.

**SB-3043**

Submitted on: 2/2/2022 1:07:37 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Megan Iobst	Individual	Oppose	No

Comments:

This bill will allow for the reimplementation of in-person registration, and this was already ruled unconstitutional in a federal court. It is extremely difficult to work within the limited hours provided for the in-person registration which will require additional days off work when registering firearms. This bill will require unnecessary travel with a firearm and serves no public interest and has no effect on criminal use of firearms.



**SB-3043**

Submitted on: 2/2/2022 1:34:05 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Edward Bali	Individual	Oppose	No

Comments:

Aloha, I'am writing in opposition of this bill. This will be a waste of precious time, funding and resources for the law abiding citizenry of hawaii and the law enforcement staffing. Not to mention the unnecessary travel of firearms to and from the local police departments and loss of hourly wages and taxes due to needed time off for in person registration. Also this bill does not serve the law abiding citizenry as it does not stop violent criminals from using edged weapons, blunt weapons, multiple assailant intimidation etc from committing their violent acts. Mahalo for taking the time to read my testimony.

**LATE**

**SB-3043**

Submitted on: 2/2/2022 1:45:42 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Travis	Individual	Oppose	No

Comments:

This bill would cause me to have to take off from work putting financial stress on my family and I to be a law abiding citizen, not to mention the excessive unnecessary traveling with a firearm.

This bill in my eyes would not effect criminals in anyway and only make it more difficult for law abiding citizens

**SB-3043**

Submitted on: 2/3/2022 12:14:12 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Benjamin E Nelson	Individual	Oppose	No

Comments:

I oppose returning in anyway to the prior firearms registration system. This bill overcomplicates the process of registering a firearm and only serves to create hurdles for upstanding citizens.

**LATE**

**SB-3043**

Submitted on: 2/2/2022 6:14:51 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
SCOTT HALEY	Individual	Oppose	No

Comments:

Do not pass unconstitutional laws that restrict my rights under the 2nd amendment, it is my protection for my 1st, and 4th amendment rights.

**LATE**

**SB-3043**

Submitted on: 2/2/2022 11:54:44 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jacob Holcomb	Individual	Oppose	No

Comments:

I support extending the handgun permit expiration to 30 days, but we just went through Yukutake v. Connors this summer and blanket in-person firearms inspection requirements have been declared unconstitutional.

The purpose of this bill is harassment of private sellers and it has zero public safety benefit.

If HPD sees something suspicious let them address it through the proper procedures on a case by case basis instead of trying to do an end run around a constitutional issue that the judiciary already settled.

It's my understanding that the State's legal resources are not infinite, and there are other serious public health issues at the moment that require our undivided attention.

**LATE**

**SB-3043**

Submitted on: 2/2/2022 11:01:09 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Dale Hayama	Testifying for Young Guns	Oppose	No

Comments:

We oppose SB3043 on the grounds that many parts of this Bill has already been deemed Unconstitutional in a Federal Court. Singling out certain individuals because we don't trust them would be wrong and a violation of their rights. It would cost taxpayers an unnecessary expense to fight a loss battle in court. Please don't waste taxpayers money. Mahalo!

**LATE**

**SB-3043**

Submitted on: 2/2/2022 7:10:22 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Mitchell Weber	Individual	Oppose	No

Comments:

I OPPOSE SB3043

The information required by law to properly register ALL firearms, whether purchased from a store, private individual, or made at home is readily available and easily verifiable without an in person visit to HPD.

I do however support the extension of the expiration date of the pistol permit to acquire. There are many reasons legal gun owners, would need more time to proceed in the states registration process. Covid has changed many aspects of our lives, and we can use technology to our benefit to limit unnecessary in person contact.

Thank You

M. Weber

**LATE**

**SB-3043**

Submitted on: 2/2/2022 6:58:17 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michael A. Wee	Individual	Oppose	No

Comments:

This measure will violate the terms of the recent lawsuit!



**LATE**

**SB-3043**

Submitted on: 2/2/2022 10:17:04 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Brett Kulbis	Testifying for Honolulu County Republican Party	Oppose	No

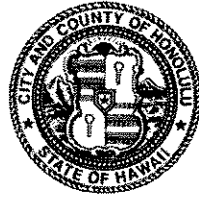
Comments:

Honolulu County Republican Party OPPOSES.

This nothing more than another attempt to infringe on our 2nd amendment rights, by making it difficult for anyone wanting to protect themselves from legally obtaining that protection.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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



RICK BLANGIARDI  
MAYOR

RADE K. VAHIC  
INTERIM CHIEF

OUR REFERENCE JAT-DNK

February 3, 2022

**LATE**

The Honorable Clarence K. Nishihara, Chair  
and Members  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 214  
Honolulu, Hawaii 96813

Dear Chair Nishihara and Members:

SUBJECT: Senate Bill No. 3043, Relating to Firearms

I am Joseph A. Trinidad, Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 3043, Relating to Firearms.

This bill seeks to increase the time a permit to acquire (PTA) a firearm can be used from ten days to thirty days. There have been instances in which individuals with the PTA were not able to acquire their firearm within the ten days due to unforeseen circumstances, such as a gun shop closing for several weeks. This has necessitated in the reapplication for a PTA. Thirty days is short enough to ensure the continued accuracy of the initial information provided by applicants and long enough to complete acquisition of their handguns. The United States District Court for the District of Hawaii, in *Yukutake v. Connors*, held that the requirement in Hawaii Revised Statutes (HRS) §134-2(e), that a permit to acquire a handgun be used within ten days of issuance of the permit, was unconstitutional.

HRS §134-3 currently eliminates the physical inspection of firearms when registering. The amendment seeks to require the physical inspection of firearms brought to Hawaii, firearms involved in private sales or transfers, and firearms and firearm receivers with engraved or embedded serial numbers.

Due to registrant or firearms dealer errors, there have been several instances in which discrepancies are discovered with the firearms' embedded or engraved registration number. As a result, the registrant or firearms dealer is required to bring in firearms for an actual physical

The Honorable Clarence K. Nishihara, Chair  
and Members  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
State Senate  
February 3, 2022  
Page 2

inspection. It is necessary for police departments to physically inspect the embedding or engraving in order to ensure the number is correctly recorded in registration records for tracing purposes.

A person purchasing a firearm from someone who is not a licensed dealer may both be unaware that they may be involved in the transaction of an illegal firearm. In addition, with military members making up about 10 percent of Oahu's population, their registering of firearms is about 50 percent of our workload for HPD personnel handling registrations. When active duty military members transfer to Hawaii, they unknowingly bring in their illegal firearms and accessories to the HPD's Firearms Unit (Records and Identification Division) to register. This, unfortunately, has resulted in the on-the-spot confiscation of their illegal firearms and accessories. In 2021, there were 55 on-the-spot confiscations by the HPD, of which 30 involved military members and 25 civilians. Individuals appear to be unaware of Hawaii's illegal firearms laws (e.g., shotguns with barrels of more than 18 inches less or accessories and magazines with a high-capacity of ten rounds or more). This may be due to other states having less restrictive firearms laws as compared to Hawaii. To require the physical inspection of firearms in these two situations directly contributes to the Hawaii law enforcement community's efforts toward increasing public safety.

The HPD submits this testimony in its role as an integral part of the law enforcement community and respectfully requests the passage of this bill.

Thank you for the opportunity to testify.

Sincerely,



Joseph A. Trinidad, Major  
Records and Identification Division

APPROVED:



Rade K. Vanic  
Interim Chief of Police