

HB-426-HD-1

Submitted on: 3/29/2023 9:29:17 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Shimei	Testifying for Indivisible Hawaii	Support	Written Testimony Only

Comments:

IN SUPPORT

Indivisible Hawaii supports HB426 HD1.

NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

March 30, 2023

The Honorable Karl Rhoads
Chair, Senate Committee on Judiciary
Hawaii State Capitol, Room 228
Honolulu, Hawaii 96813

Dear Chair Rhoads:

On behalf of the members of the National Rifle Association in Hawaii, I would like to communicate our strong opposition to House Bill 426HD1 (HB 426).

HB 426 creates a private right of action against firearm industry members for failure to implement "reasonable" controls. This intentionally vague term could subject the industry to crippling lawsuits regardless of whether there was any actual violation of law. The firearm industry is already highly regulated through federal and state laws, with violations carrying stiff penalties.

This legislation is nothing more than an attempt to undermine the Protection of Lawful Commerce in Arms Act (PLCAA), which ensures Americans have reasonable access to firearms. The PLCAA does not prohibit lawsuits against the firearm industry for knowingly unlawful sales, for negligent entrustment, and on traditional products liability grounds.

For these reasons and more, the NRA opposes HB 426.

Sincerely,

Daniel Reid
Western Regional Director
NRA-ILA



March 29, 2023

Submitted via web portal

RE: HB 426 (Tarnas): Relating to Firearms - SUPPORT

Dear Senator Rhoads, Vice Chair Gabbard and Members of the Committee:

Everytown for Gun Safety, Moms Demand Action for Gun Sense in America, and Students Demand Action for Gun Sense in America are writing in support of HB 426.

Everytown is the largest gun violence prevention organization in the country with nearly 10 million supporters including moms, mayors, survivors and everyday Americans who are fighting for public safety measures that respect the Second Amendment and help save lives. At the core of Everytown are Mayors Against Illegal Guns, Moms Demand Action for Gun Sense in America and the Everytown Survivor Network.

Moms Demand Action for Gun Sense in America is a grassroots movement of Americans fighting for public safety measures that respect the Second Amendment and protect people from gun violence. Moms Demand Action campaigns for new and stronger solutions to lax gun laws and loopholes that jeopardize the safety of our children and families. Since its inception after the tragedy at Sandy Hook School, Moms Demand Action has established a chapter in every state of the country, including Hawai'i.

The Protection of Lawful Commerce in Arms Act (PLCAA) blocks legal responsibility for gun manufacturers, distributors, and dealers with irresponsible sales practices that contribute to the flood of illegal firearms in our communities. PLCAA gives bad actors in the gun industry broad protection from civil lawsuits, preventing many people injured by guns from holding them accountable in court – even when the business acted dangerously or irresponsibly.

We support state efforts to ensure that members of the gun industry are no longer shielded from accountability when they act dangerously, irresponsibly, or illegally. State bills like HB 426 function as an exception to PLCAA, ensuring that valid civil claims can be brought against the gun industry for dangerous, negligent, and unlawful actions. The possibility of civil liability will not only provide civil justice to victims and survivors but also encourage the gun industry to act responsibly to help stem the tide of crime guns that harm people. Having operated with special protections for years, the industry has had no financial incentive to curb irresponsible conduct and instead puts profits over people. The prospect of civil liability can lead to safer products and better conduct that the industry has resisted for years.

No industry should be above the law, especially not one that makes and sells lethal weapons. HB 426 will

make sure that bad actors in the gun industry are held accountable and victims of gun violence are able to get justice through the law.

For all of these reasons, Everytown for Gun Safety and the Hawai'i chapter of Moms Demand Action for Gun Sense in America support HB 426.

Sincerely,

Krystal LoPilato
Policy Counsel
Everytown for Gun Safety, Moms Demand Action & Students Demand Action
450 Lexington Ave.
New York, NY 10163
klopilato@everytown.org

HB-426-HD-1

Submitted on: 3/24/2023 5:12:49 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Deb Nehmad	Testifying for Brady Hawaii	Support	Written Testimony Only

Comments:



Testimony of Deb Nehmad, Chapter Lead, Brady Hawaii

Before the Senate Committee on Judiciary

SUPPORT FOR HB 426 HD 1

March 30, 2023

Dear Chair Rhoads, Vice Chair Elefante, and Members of the Committee on Judiciary

My name Deb Nehmad, and as both a longtime resident of Hawaii who cares deeply about the safety, well-being and quality of life of our state and residents and as the Chapter Lead of Brady Hawaii, I am pleased to speak today in support of HB 426 HD 1, which will allow our state and the people of our state to pursue civil claims against the gun industry in the same way they can be pursued against other industries.

Since it was passed, the Protection of Lawful Commerce in Arms Act (PLCAA) has shielded bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and this won't impact them. But there are others that act with impunity because of the shield that PLCAA has provided, including:

-dealers who facilitate gun trafficking, which is devastating communities in Hawaii,

-online sellers who negligently allow children to purchase firearm accessories or ghost gun parts, and

-manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can be safer. Guns should be safer. Children have died because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

It is past time to ensure that there is accountability for this action or inaction.

I urge a vote in favor of HB426 HD1.

Deb Nehmad

Chapter Lead, Brady Hawaii

dnehmada@bradyunited.org

HB-426-HD-1

Submitted on: 3/26/2023 11:28:55 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Testifying for Stonewall Caucus of the Democratic Party of Hawai'i	Support	Written Testimony Only

Comments:

Aloha Senators,

The Stonewall Caucus of the Democratic Party of Hawai'i; Hawai'i's oldest and largest policy and political LGBTQIA+ focused organization fully supports HB 426 HD 1.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair and SCC Representative
Stonewall Caucus for the DPH

HB-426-HD-1

Submitted on: 3/24/2023 5:10:44 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this important bill. Mahalo.

HB-426-HD-1

Submitted on: 3/25/2023 12:07:04 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
David Fukuzawa	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Legislative Representatives and Senators.

I still oppose this bill in its entirety. To hold businesses that are in the b e firearms industry responsible for a firearms I ciders is ludicrous. It makes no sense. Hold the perpetrator responsible.

Sincerely,

David Fukuzawa, SAS-5 (Retired)

I stand in opposition to this bill. First and foremost It is a violation of the Protection of Lawful Commerce in Arms Act. Second, it attempts to add pretty much any firearms accessory to a list of controlled objects, none of which can be controlled, nor are serialized in any way or even have the potential for serialization.

It is so vague that it now puts mundane items on a list of precursor parts. You can make a crude but functional firearm with two pipes and an endcap. If you have any kind of mechanical skill you can make much more complex things. Can Home Depot be sued under this law if someone makes a pipe gun? Does Home Depot have to get a Federal Firearms License now to do any kind of business in Hawaii? Will Napa, O'Riley's, and numerous other autoparts shops have to apply for an FFL now because you can make an illegal silencer out of an oil filter? Will Hydroflask be held responsible because someone turned their product into a silencer? What if someone makes a silencer out of a Soda Bottle? Is Pepsi gonna get sued?

It is already against the law for an FFL to sell to anyone they suspect is a prohibited person or straw purchaser. Expanding this to anyone who sells an accessory is not only unfeasible but unenforceable. Something as simple as a sling would be enough for someone to be considered a 'Firearms Industry Member' since it 'increases the lethality' of the gun by allowing me to keep it at the ready and use it as a bracing point to aim more accurately.

This bill is overly broad, illegal, and needs to be killed.



HB-426-HD-1

Submitted on: 3/25/2023 10:52:43 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Taylor	Individual	Support	Written Testimony Only

Comments:

Guns can and should be safer to protect citizens and most importantly, children. I strongly urge passage of HB426.

Thank you for your consideration of my strong support of the important legislation.

HB-426-HD-1

Submitted on: 3/25/2023 11:01:37 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jane Davis	Individual	Support	Written Testimony Only

Comments:

Current federal law has shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Please support HB426.

HB-426-HD-1

Submitted on: 3/25/2023 11:01:43 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Mimi Beams	Individual	Support	Written Testimony Only

Comments:

Current federal law has shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Please support HB426.

HB-426-HD-1

Submitted on: 3/25/2023 11:29:36 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Rodney Salm	Individual	Support	Written Testimony Only

Comments:

Current federal law has shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.\

Please support HB426.

HB-426-HD-1

Submitted on: 3/25/2023 11:37:21 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Nadine Ferraro	Individual	Support	Written Testimony Only

Comments:

I fully support HB426 HD1

HB-426-HD-1

Submitted on: 3/25/2023 12:27:38 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Gaye Chan	Individual	Support	Written Testimony Only

Comments:

Current federal law has shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

HB426 won't impact responsible gun companies.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

HB-426-HD-1

Submitted on: 3/25/2023 2:12:19 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Mary Babcock	Individual	Support	Written Testimony Only

Comments:

I support HB426

Current federal law has shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

HB-426-HD-1

Submitted on: 3/25/2023 3:28:14 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Joan White	Individual	Support	Written Testimony Only

Comments:

Dear Chair and Vice Chair:

I have grave concerns about the impact of the Bruen decision on the safety of Hawaii's residents and visitors. Among other important provisions which I strongly support, HB426 addresses two areas of major concern about how our residents and visitors can remain safe. It ensures that the licensing procedure for concealed guns weeds out individuals who would be a threat to others or themselves. It also sets forth a list of sensitive places where firearms cannot be carried that is comprehensive enough to protect the safety of Hawaii's residents and visitors. I urge you to pass this bill into law. Thank you!

HB-426-HD-1

Submitted on: 3/25/2023 4:56:14 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
James Revells	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill.

HB-426-HD-1

Submitted on: 3/25/2023 5:04:13 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Arakawa	Individual	Oppose	Written Testimony Only

Comments:

This bill overly broad and contains vague and subjective language. If passed it will surely end up in court and the State will lose AGAIN. Stop wasting the court's time and our tax dollars

HB-426-HD-1

Submitted on: 3/25/2023 5:28:36 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Joe Ferraro	Individual	Support	Written Testimony Only

Comments:

It is incredible that federal law has shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that **any** industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

HB-426-HD-1

Submitted on: 3/25/2023 6:03:18 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Brennan Simcock	Individual	Support	Written Testimony Only

Comments:

I support HB426. Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

HB-426-HD-1

Submitted on: 3/25/2023 6:41:00 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Virginia Edmunds	Individual	Support	Written Testimony Only

Comments:

I support HB426. Please pass this bill!

Aloha,

Ginny Edmunds

HB-426-HD-1

Submitted on: 3/25/2023 8:46:41 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Gibson	Individual	Oppose	Written Testimony Only

Comments:

<http://Do not agree with having my second amendment taken from me.>

HB-426-HD-1

Submitted on: 3/26/2023 8:42:32 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Casey Nakama	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill.

HB-426-HD-1

Submitted on: 3/26/2023 9:47:59 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Chad Cummings	Individual	Oppose	Written Testimony Only

Comments:

So according to bills like this I can sue car makers because I got into an accident? Or what about people who are allergic to bees? Can they sue the city and county/state because they got stung in a park? So now liquor stores are liable for people driving drunk and should pay? What about bars they serve alcohol knowing that whoever drinks gets drunk and might drive and kill someone while driving drunk. Do they need to do some kind of background check to see if their patrons have a history of drunk driving and take precautionary measures? What about knife makers? Did anyone go after a knife brand because someone was injured or murdered? Did any Politician go after a knife brand or store that sold a person a knife that was used in all the many recent stabbings that occurred just these past few years?

This is getting ridiculous! If a law abiding citizen or place of business is selling firearms or parts legally than why should they pay the cost of a crime that was committed. Look at all the stabbings that occurred recently. Look at all the drunk driving fatalities. Did anyone sue the bar or the store that sold the alcohol? Why not? There have been way more stabbings and drinking fatalities than fatalities where a firearm has been used.

HB-426-HD-1

Submitted on: 3/26/2023 10:36:10 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Ed Au	Individual	Oppose	Written Testimony Only

Comments:

Oppose this. If a drunk causes a car accident, would you sue the car manufacturers. If a pilot crashes a plane, do you sue the plane manufacturer? Law is unacceptable and unreasonable.

HB-426-HD-1

Submitted on: 3/26/2023 11:00:29 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Clayton Wendelgass	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-426-HD-1

Submitted on: 3/26/2023 1:25:08 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Ellen Godbey Carson	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. Setting enforceable standards for our firearms industry is one of the important steps we can take to help ensure commercial sales of firearms are done in a safe and reasonable standard. This bill is also important for creating civil liability for violation of standards of care by the firearms industry, as courts have permitted, since other avenues for civil liability and accountability have been largely foreclosed by federal legislation.

Ellen Godbey Carson

HB-426-HD-1

Submitted on: 3/26/2023 1:40:30 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Chester Barayuga	Individual	Oppose	Written Testimony Only

Comments:

I oppose

HB-426-HD-1

Submitted on: 3/26/2023 1:54:09 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Easter K. Logan	Individual	Oppose	Written Testimony Only

Comments:

I oppose. This is totally unnecessary.

HB-426-HD-1

Submitted on: 3/26/2023 2:40:30 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
David Soon	Individual	Oppose	Written Testimony Only

Comments:

This legislation is unenforceable:

===quote:

(1) Prevent the sale or distribution of a firearm-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under federal or state law, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm-related product to harm themselves or another or of possessing or using a firearm-related product unlawfully;

=====

How can ANYONE ensure a product won't be abused by the purchaser?

Do the cashiers at Longs Drugs ask me what I'm going to do with that kitchen knife I'm trying to buy? Please use common sense when writing legislation.

HB-426-HD-1

Submitted on: 3/26/2023 2:45:07 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Bruce Shimoda	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. Please vote no. Thank you.

HB-426-HD-1

Submitted on: 3/26/2023 4:56:49 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

If the Government is going to stick there Nose in Gun Control then we should Be suing the Government for Violation of our Rights under the 2nd Amendment!!!!

HB-426-HD-1

Submitted on: 3/26/2023 5:04:23 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda Legrande	Individual	Support	Written Testimony Only

Comments:

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children. Thank you, Linda Legrande

HB-426-HD-1

Submitted on: 3/26/2023 7:45:45 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Addison K Caluya	Individual	Oppose	Written Testimony Only

Comments:

In reviewing the current proposed measures of HB426 HD1 I must voice my strong opposition to this bill. The description of liability as held by a firearms industry member has no real framework on the acceptable standards of conduct and creates a very slippery slope as to the exposure of any firearms industry member who has followed all required established state/federal laws to be exposed to litigation in the event of an individual's hostile use of a firearm.

Holding a vendor liable for the willful mis-use and intent of a customer is in my view an overreach. This would be akin to holding a supermarket liable for a person who legally purchases alcohol and opts to drive drunk after then returning home. I strongly ask that this bill be rejected as written.

HB-426-HD-1

Submitted on: 3/26/2023 8:28:09 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Cliff mello	Individual	Oppose	Written Testimony Only

Comments:

As an individual of the state of Hawaii and a citizen of the USA. I understand the safety and reasoning behind such gun rules, but some of which are not a solution to such problem(s) but an overreach of our constitutional rights and another bill penalizing law obidding citizens who are freely exercising there rights. Such as bill HB426. We need to direct focus on the criminals not to punish law abiding dealers/FFLs and "persons" Who have to right, let me repeat have the right to bare arms, such includes; firearms, ammo and accessories. We already have some of the most strict gun laws/rules in our nation and do not need to opress our right any longer. We need to set examples and take actions at the core issues (criminals) NOT law abiding persons exercising their rights.

Hawaii has the power to become something different, something stronger and we can and should set an example to our nation under congress and our constitsuion that we the state of Hawaii support our 2nd amendment and liberty of the people and our land. Please do not pass this bill.

Thank you and Mahalo,

HB-426-HD-1

Submitted on: 3/26/2023 8:38:20 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Lois Langham	Individual	Support	Written Testimony Only

Comments:

I support HB426. Humanity over profit!

HB-426-HD-1

Submitted on: 3/26/2023 9:01:50 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Lynn Otaguro	Individual	Support	Written Testimony Only

Comments:

I support HB426 HD1. There is no reason that any industry should be insulated from liability, particularly one that deals with lethal weapons and often puts profits over people. There are many responsible gun industry actors, and HB426 HD1 won't impact them.

It will hold accountable those who act irresponsibly: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts, and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be made safer. No industry should be able to act with impunity and be above the law. Please support HB 426 HD1.

HB-426-HD-1

Submitted on: 3/26/2023 9:41:31 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
gabrielle davidson	Individual	Support	Written Testimony Only

Comments:

Current federal law shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people. There are many responsible gun industry actors, and HB426 won't impact them. But there are others that act with impunity because the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children. Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law. Thank you.

HB-426-HD-1

Submitted on: 3/26/2023 10:21:42 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Esther Geil	Individual	Support	Written Testimony Only

Comments:

HB426,HD1 is similar to bills passed in other states which creates a standard of conduct for the gun industry that is rooted in reasonableness, where a violation or failure to meet that standard can serve as an exception to the federal law that insulates the gun industry from most civil liability claims.

Current federal law shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people. There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

HB-426-HD-1

Submitted on: 3/26/2023 10:25:44 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Alice Smith	Individual	Support	Written Testimony Only

Comments:

Current federal law shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

HB-426-HD-1

Submitted on: 3/26/2023 10:48:57 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Beth Anderson	Individual	Support	Written Testimony Only

Comments:

I strongly support HB 426 and urge you to support this bill.

Current federal law shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Thank you for considering my views and supporting HB 426.

HB-426-HD-1

Submitted on: 3/26/2023 10:57:20 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
C. Kai Lucas	Individual	Support	Written Testimony Only

Comments:

Chair Rhoads, Vice Chair Gabbard, and Committee Members Senators Elefante, San Buenaventura, and Awa

Current federal law shields the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. No industry should be insulated from liability, much less an industry that deals in lethal weapons. There are many responsible gun industry manufacturers, and **HB426** won't impact them. However there are some who act with impunity because the industry has been protected:

- dealers who facilitate gun trafficking,
- online sellers who negligently allow children to purchase firearm accessories or ghost gun parts
- manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Please support HB426.

me ka pono,

Kai Lucas

HB-426-HD-1

Submitted on: 3/27/2023 12:11:24 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
PAMELA SUMMERS	Individual	Support	Written Testimony Only

Comments:

I support HB426 HD1

HB-426-HD-1

Submitted on: 3/27/2023 7:56:52 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Estella Berg	Individual	Support	Written Testimony Only

Comments:

Current federal law has shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Please support HB426.

HB-426-HD-1

Submitted on: 3/27/2023 7:57:33 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Austin White	Individual	Oppose	Written Testimony Only

Comments:

It is painfully and blatantly obvious that the Legislators, Governor, Lt. Governor, Mayors, Police Chiefs and other “government officials” have zero intent to protect and uphold the rights of the citizens of Hawaii as outlined in both the Federal and State Constitutions regarding firearms. We are all tired of holding our breath waiting for you to uphold your sworn duty. You don’t care, and never will. You spread misinformation, spin half-truths and make up “facts” to suit your own purposes. I would dare to find but few of you who can tell the difference between a clip or magazine, bullet or cartridge, semi-automatic or automatic. It may behoove you to actually learn something about firearms and even use one before you make laws and regulations surrounding them. Take the requisite firearms training class to see what is required of those who wish to own and/or carry firearms in this state. I am confident that most of the local firearms instructors in Hawaii would be happy to give any of you a lesson in the use of them. You may learn something.

The plain verbiage of the 2nd Amendment of the United States and Article 1, Section 17 of the State of Hawaii Constitution is clear. **SHALL NOT BE INFRINGED**. SHALL NOT is a legal term of which it seems none of you have the want, intent or fortitude to uphold. Nowhere does it mention in the respective Constitutions that these can be set aside due to feelings or in matters of sensitivity, inclusion, diversity, etc.. Please go read the NYSRPA v Bruen response for details. The 14th Amendment of the United States also makes clear that States shall not make or enforce any laws violating the citizens rights and privileges.

All of you have abdicated your duty to the people of Hawaii by failing uphold your oath of office. I have included the appropriate text for you. Perhaps you may need to read these sections again to refresh your collective memories. But then again, you have no interest in actually representing your constituents. ALL your constituents, even the ones you disagree with.

HAWAII CONSTITUTION

OATH OF OFFICE

Article XVII, Section 4. All eligible public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii, and that I will faithfully discharge my duties as to the best of my ability." As used in this section, "eligible public officers"

means the governor, the lieutenant governor, the members of both houses of the legislature, the members of the board of education, the members of the national guard, State or county employees who possess police powers, district court judges, and all those whose appointment requires the consent of the senate. [Ren and am Const Con 1978 and election Nov 7, 1978; am SB 1440 (1992) and election Nov 3, 1992]

RIGHT TO BEAR ARMS

Article I, Section 17. 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.*** [Ren Const Con 1978 and election Nov 7, 1978]

UNITED STATES CONSTITUTION – BILL OF RIGHTS

RIGHT TO BEAR ARMS

Amendment II. 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.***

DUE PROCESS & EQUAL PROTECTION

Amendment XIV. Section 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. ***No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;*** nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (if any have issues remembering the applicability of the 14th Amendment, please go read the decision in Obergefell v. Hodges and substitute same-sex marriage for ownership and carrying of firearms)

DEFINITIONS

Shall: Shall is an imperative command, usually indicating that certain actions are mandatory, and not permissive. This contrasts with the word “may,” which is generally used to indicate a permissive provision, ordinarily implying some degree of discretion.

May: The word “may” is an expression of possibility, a permissive choice to act or not, and ordinarily implies some degree of discretion. This contrasts with the word “shall,” which is generally used to indicate a mandatory provision.

Infringe or Infringement: A breaking into; a trespass or encroachment upon; a violation of a law, regulation, contract, or right. An infringement is a violation, a breach, or an unauthorized act. Infringement occurs in various situations. A harm to one’s right is an infringement. A violation of a statute is also an infringement.

The meaning of the phrase "well-regulated" in the 2nd amendment

From: Brian T. Halonen <halonen@csd.uwm.edu>

The following are taken from the *Oxford English Dictionary*, and bracket in time the writing of the 2nd amendment:

1709: "If a liberal Education has formed in us **well-regulated** Appetites and worthy Inclinations."

1714: "The practice of all **well-regulated** courts of justice in the world."

1812: "The equation of time ... is the adjustment of the difference of time as shown by a **well-regulated** clock and a true sun dial."

1848: "A remissness for which I am sure every **well-regulated** person will blame the Mayor."

1862: "It appeared to her **well-regulated** mind, like a clandestine proceeding."

1894: "The newspaper, a never wanting adjunct to every **well-regulated** American embryo city."

The phrase "well-regulated" was in common use long before 1789, and remained so for a century thereafter. It referred to the property of something being in proper working order. Something that was well-regulated was calibrated correctly, functioning as expected. Establishing government oversight of the people's arms was not only not the intent in using the phrase in the 2nd amendment, it was precisely to render the government powerless to do so that the founders wrote it.

HB-426-HD-1

Submitted on: 3/27/2023 7:57:35 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Laura Friedman	Individual	Support	Written Testimony Only

Comments:

I strongly support HB 426, HD 1

HB-426-HD-1

Submitted on: 3/27/2023 9:02:18 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Donna Carsten	Individual	Support	Written Testimony Only

Comments:

I support HB426, and ask for your support as well.

Current federal law shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Please support HB426.

HB-426-HD-1

Submitted on: 3/27/2023 9:16:38 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Marcus Tanaka	Individual	Oppose	Written Testimony Only

Comments:

The only intent of this bill is to put any gun stores out of business. Since our HI government cannot totally ban the 2nd amendment, this is a backdoor process. Just like how sensitive places bills are a backdoor to banning CCWing everywhere since CCW's have to be issued.

HB-426-HD-1

Submitted on: 3/27/2023 9:24:42 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
steven a kumasaka	Individual	Oppose	Written Testimony Only

Comments:

STRONGLY OPPOSE

HB-426-HD-1

Submitted on: 3/27/2023 9:24:46 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Sara LaBelle	Individual	Support	Written Testimony Only

Comments:

I am a mother, military spouse, and UH Mānoa graduate student. My family has been stationed in Hawai'i twice. Both times we moved here, I breathed a sigh of relief that we would be safer from guns here than we are on the continent. The *Bruen* decision has been devastating for those feelings of safety. As a lifetime school volunteer, I have been part of active shooter drills in elementary schools. They are terrifying (even for the grownups who know they are simulations) and traumatize our children. My university has to train me to run, hide, or fight (<https://manoa.hawaii.edu/dps/active-shooter/>). I just want to learn and research. Our families should not have to live this way. Concealed carry permits increase our collective risks of experiencing gun violence (Smart, R., 2023, online: <https://www.rand.org/research/gun-policy/analysis/concealed-carry/violent-crime.html>). I urge you to pass HB426, HD1 to enact all measures possible to reduce the harm of *Bruen* with strict licensing procedures, broad sensitive spaces identification, and all other allowable gun safety measures. Please keep us as safe as possible. Thank you for your time.

HB-426-HD-1

Submitted on: 3/27/2023 10:09:58 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Martha Nakajima	Individual	Support	Written Testimony Only

Comments:

I support this bill.

To: Hawaii State House Committee on Judiciary
Hearing Date/Time: Friday, 30-March-2023, 9:35am
Place: Hawaii State Capitol, CR016 & Videoconference
Re: Judith Ann Armstrong is in support of HB 426 HD1

Dear Members of the Judiciary Committee,

I, Judith Ann Armstrong, am in support of HB426 HD1 relating to Firearms.

Current federal law has shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Thank you for this opportunity to testify in support of HB426.

Sincerely,

Judith Ann Armstrong

HB-426-HD-1

Submitted on: 3/27/2023 1:41:24 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Pamela Menter	Individual	Support	Written Testimony Only

Comments:

Current federal law shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** won't impact them. But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Please support HB426.

HB-426-HD-1

Submitted on: 3/27/2023 2:18:42 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Natalie Aurio	Individual	Support	Written Testimony Only

Comments:

Please support HB426, for the sake of our children and our communities!

Current federal law shields bad actors in the gun industry from most civil lawsuits, EVEN WHEN they have acted irresponsibly or negligently. There is NO REASON that any industry should be insulated from liability, MUCH LESS an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** WILL NOT impact them!

BUT... there are others that act with impunity because the industry has been protected, including:

- Dealers who facilitate gun trafficking;
- Online sellers who negligently allow CHILDREN to purchase firearm accessories or ghost gun parts; and
- Manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns CAN and SHOULD be safer. CHILDREN ARE LITERALLY BEING SHOT TO DEATH EVERY SINGLE DAY in the US because the gun manufacturers have chosen not to make them safer AND have suffered no consequences. No industry should be above the law. Period.

Please support HB426!!!

HB-426-HD-1

Submitted on: 3/27/2023 2:50:39 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Elisabeth Sherman	Individual	Support	Written Testimony Only

Comments:

I support HB 426. No one should be protected from civil lawsuits when they have acted with negligence, particularly when that involves the death of innocent children & people.

Mahalo,

Elisabeth

HB-426-HD-1

Submitted on: 3/27/2023 3:10:51 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
tony frascarelli	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to this bill simply because it's not needed .

HB-426-HD-1

Submitted on: 3/27/2023 3:49:01 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Doris Segal Matsunaga	Individual	Support	Written Testimony Only

Comments:

I support HB 426

HB-426-HD-1

Submitted on: 3/27/2023 4:37:32 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Hechtman	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB426.

No individual or business should be held accountable for the actions of someone they legally sold a firearm or accessory to. The same as an individual or business should not be held accountable for a car they sold to someone who was in an accident or drunk driving and caused serious harm.

An individual is responsible for thier own actions and shoud be the ones held accountable.

Please vote no on HB426

HB-426-HD-1

Submitted on: 3/27/2023 4:53:45 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Ramiro Noguerol	Individual	Oppose	Written Testimony Only

Comments:

oppose!!, are we going to start suing car manufacturers for accidents caused by drunk people too
???

Aloha,

I am providing written testimony in opposition to HB426 HD1.

HB426 HD1 is clearly an attempt to skirt around the Protection of Lawful Commerce in Arms Act (PLCAA), which was established in 2005. HB426 HD1 aims to encumber lawful business and commerce based on unrelated actions of others. Vague wording within the bill ensures "firearms industry members," as defined in Section 134-A, can be held liable for even the slightest part, component, or accessory.

While aimed directly at the firearms industry this bill would entangle many seemingly benign businesses or individuals. Firearms require a lot of accessories to maintain and include allen keys, torx bits, screw drivers, threadlocker, and oil among many others. Will Home Depot, Lowe's, and City Mill now be considered "firearms industry members" and thus culpable as well?

Lawful firearms owners often add abrasive tape to their grips for better control and handling. The tape is sold by sporting goods stores, or online retailers like Amazon, and similarly used on tennis rackets, bats, and hockey sticks. Should sporting goods stores and online retailers now be classified as "firearms industry members"?

The definition of a "firearms industry member" includes any "person," and therefore targets individuals who would sell extra parts or components they no longer use.

There will be consequences for the paintball and airsoft industries as well. Parts for both sports are often compatible with firearms.

HB426 HD1 is poorly thought out with wide-reaching ramifications.

Thank you.

HB-426-HD-1

Submitted on: 3/27/2023 5:15:22 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Bonnie Tokita	Individual	Support	Written Testimony Only

Comments:

I support HB426.

Current federal law shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason why they should be insulated from liability. No industry should be above the law.

HB-426-HD-1

Submitted on: 3/27/2023 5:16:08 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan Au Doyle	Individual	Support	Written Testimony Only

Comments:

Please support HB426 HD1. Current federal law has shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. This bill, modeled after laws in other states, would make gun manufacturers more accountable. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons.

Thank you for the opportunity to testify in support of this bill.

HB-426-HD-1

Submitted on: 3/27/2023 5:19:08 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
chris p pang	Individual	Oppose	Written Testimony Only

Comments:

To whom it may concern,

I oppose HB 426 it makes no sense to go after the firearm industry member when they are not responsible. If the lawmakers are considering this, first they need to make a bill that makes the alcohol beverage industry members responsible if any drivers are DUI and lets not forget automobile industry members, if not drop this bill because it doesn't make sense. Let's use common sense when making bills.

HB-426-HD-1

Submitted on: 3/27/2023 7:11:13 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan Salm	Individual	Support	Written Testimony Only

Comments:

Current federal law shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies

that could prevent unintentional shootings by children. Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Please support HB426.

HB-426-HD-1

Submitted on: 3/28/2023 5:18:57 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Eric Akiyama	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I strongly oppose HB426. What's next, holding gas stations responsible for selling gas to a negligent driver?

HB-426-HD-1

Submitted on: 3/28/2023 5:59:05 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Brendon Heal	Individual	Oppose	Written Testimony Only

Comments:

These restrictions have already been challenged around the country, and have already had enjoining rulings against them. I can not see Hawaii fairing any better in court if the legislature decides to further infringe on the rights of every law abiding citizen of this city, county, and state.

The SCOTUS has already been clear in many rulings.

This is the right of “THE PEOPLE”, not the city or state.

The right to keep and BEAR arms is a protected RIGHT

It is the burden of the city or state to PROVE the restrictions are backed by historical precedent (up to 1791) if it wishes to restrict such rights.

Please remember your oaths of office, to protect and defend the Constitution of the United States.

To do the opposite, with complete knowledge, is a violation of every citizen’s civil rights.

Below is quote from a recent decision for similar ordinances.

Oppose this bill

Thank you

Brendon Heal

"Surely, Defendants had or should have had-the historical materials and analyses the State relied upon when it began its legislative response to Bruen.

After all, the Supreme Court was clear that in order for any gun control legislation to pass constitutional muster under the Second Amendment, such legislation must be consistent with historical tradition. The State has had six months since Bruen to identify well-established and representative historical analogues."

"the Presiding Officers must keep the litigation progressing on the right track. All agree that violent crimes involving firearms are tragic. But the dictate of Bruen is clear: "legislative interest balancing is understandable--and, elsewhere, appropriate - [but] it is not deference that the Constitution demands here." While the Legislature may disagree with Bruen, it may not disobey it."

Renee Bumb

United States District Judge for the District of New Jersey

HB-426-HD-1

Submitted on: 3/28/2023 6:38:31 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Galen J. Pao	Individual	Oppose	Written Testimony Only

Comments:

To Whom this may concern:

I, Galen J. Pao, want to go on record opposing HB426. As written, it fails to clarify what entity is liable for a civil case.

Chair Wakai mentions individuals are exempt yet HB426 mentions "person" in it's text.

HB426, like all others similar to it are violating the Constitutional rights of law abiding citizens.

Please stop HB426 from moving forward until clarification of how this piece of legislation will serve all citizens.

Keep in mind there are disabled citizens that use and need firearm aftermarket products that HB426 is destined to demonize.

Thank you.

Galen J. Pao

HB-426-HD-1

Submitted on: 3/28/2023 7:32:14 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Justin h	Individual	Oppose	Written Testimony Only

Comments:

Unconstitutional

HB-426-HD-1

Submitted on: 3/28/2023 7:50:12 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Yamaguchi	Individual	Support	Written Testimony Only

Comments:

Current federal law has shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Please support HB426.

HB-426-HD-1

Submitted on: 3/28/2023 8:43:19 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
GENER MACARAEG	Individual	Oppose	Written Testimony Only

Comments:

I oppose and against HB426 . I ask you to please oppose HB426 and do not pass this bill. This bill is not good for law abiding citizens who want to sell/transfer firearm related items/parts lawfully and legally. This bill also affects freedom of commerce and economy.

This bill will cause extreme financial harm and burden to law abiding citizens who sell/transfer firearm related items/parts lawfully to another person. This bill which authorizes any person who has suffered harm because of a firearm industry member's violation of the standards of conduct as well as the attorney general or any county attorney or public prosecutor to bring a civil action is so vague and can lead to any law abiding citizens transferring/selling firearm items/parts to unnecessary hardships. It will be hard for law abiding citizens to sell/transfer firearm related items without fear of frivolous lawsuits. This is not right.

This bill goes against The Second Amendment which grants citizens the right to self protection anywhere at any time. The right of the people to keep and bear Arms, shall not be infringed. This also infringes on lawful industry commerce and economy.

Thank you,

Gener Macaraeg

HB-426-HD-1

Submitted on: 3/28/2023 8:53:55 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
scott shimoda	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. What is reasonable measures? What is reasonable to me is different that what is reasonable to the state.

HB-426-HD-1

Submitted on: 3/28/2023 9:05:06 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Atom Kasprzycki	Individual	Oppose	Written Testimony Only

Comments:

This proposed bill is unconstitutional, and anti-America in its nature and intent. The drafters and sponsors of this bill are either ignorant of the Constitution and our rights as Americans, or they are knowingly attempting to violate the rights of American citizens. Either way they are unfit to serve in the best interest of our state and our country.

Bill drafters and supporters: Direct your efforts toward improving any of Hawaii's actual problems like our homeless epidemic, overdevelopment, or fighting to help keep home prices affordable for our local residents and their children in the future.

Atom Kasprzycki atomkasprzycki@icloud.com

HB-426-HD-1

Submitted on: 3/28/2023 9:19:55 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Tristan Kasprzycki	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-426-HD-1

Submitted on: 3/28/2023 9:46:10 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Matson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

Please support HB426. Current federal law shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people. **HB426** won't impact responsible gun manufacturers.

However, those that act with impunity because of the protections the industry has long enjoyed: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children should be held responsible.

Guns can and should be safer. Children are dying because manufacturers have chosen to not take proper actions to create additional safeguards. Manufacturers must be held accountable; no industry should be above the law.

Mahalo,

Shannon Matson

Hawai'i Island Resident

HB-426-HD-1

Submitted on: 3/28/2023 9:53:47 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
G L Hutchinson	Individual	Support	Written Testimony Only

Comments:

Current federal law shields bad actors in the gun industry from most civil lawsuits, even when the industry has put profits over people. There is no reason that any industry should be insulated from liability, much less an industry that

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who design products that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to take responsibility for their consequences. No industry should be above the law.

HB-426-HD-1

Submitted on: 3/28/2023 9:54:19 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Gavin Lohmeier	Individual	Oppose	Written Testimony Only

Comments:

oppose HB426. Sellers should not be liable for the actions of the buyers. Liability lies in the person committing the crime.

-sincerely

Gavin Lohmeier

HB-426-HD-1

Submitted on: 3/28/2023 10:17:28 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
chad maeda	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppse this bill

HB-426-HD-1

Submitted on: 3/28/2023 11:01:15 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Dwayne Lim	Individual	Oppose	Written Testimony Only

Comments:

Honorable Members of the Committee,

I submit to you today to communicate my opposition to the proposal to establish standards of conduct for firearm industry members. While I understand the desire to hold manufacturers and sellers accountable for their actions, I believe that this legislation would do more harm than good.

Firstly, I argue that this proposal is unnecessary. The firearm industry is already heavily regulated, and the vast majority of businesses operate lawfully and responsibly. It is unfair to punish innocent businesses and individuals for the actions of a few bad actors.

Furthermore, this legislation would lead to an increase in frivolous lawsuits against firearm industry members. The provision that authorizes any person who has suffered harm because of a firearm industry member's violation of the standards of conduct to bring a civil action opens the door for baseless claims that could financially ruin innocent businesses.

Lastly, I believe that this proposal would divert attention and resources away from addressing the underlying causes of gun violence. By solely focusing on legal action against the firearm industry, we are ignoring the societal issues and mental health concerns that contribute to gun violence. We should be investing in mental health resources and programs that address the root causes of violence, rather than punishing those who are not responsible.

For these reasons, I urge the Committee to reconsider this proposal and instead focus on comprehensive solutions that address the root causes of gun violence. Thank you.

HB-426-HD-1

Submitted on: 3/28/2023 11:04:47 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelly Lim	Individual	Oppose	Written Testimony Only

Comments:

Honorable members of the committee,

As a concerned citizen, I strongly believe that addressing the issue of gun violence in our country is of utmost importance. However, I am here to express my opposition to the proposed legislation that establishes standards of conduct for the firearm industry members and authorizes legal action against them.

My main concern with this legislation is that it may divert attention and resources away from addressing the underlying causes of gun violence. While legal action against the firearm industry may provide a sense of justice to those who have suffered harm, it does not address the root causes of gun violence, such as mental health issues, societal problems, and easy access to firearms.

Instead, our focus should be on tackling the underlying causes of gun violence. We should invest in mental health programs and support services for those who are at risk of committing violent acts. We should also address the societal issues that lead to gun violence, such as poverty, unemployment, and lack of education.

Moreover, I am concerned that this legislation may unfairly target innocent businesses and individuals in the firearm industry. The presumption that a firearm-related product is abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety may punish innocent businesses and individuals for the actions of a few bad actors.

In conclusion, I urge the committee to consider the potential unintended consequences of this legislation and to focus on addressing the underlying causes of gun violence. We must work together to ensure the safety and well-being of our communities, while also protecting the constitutional rights of law-abiding citizens. Thank you.

HB-426-HD-1

Submitted on: 3/28/2023 12:01:27 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Sean Daniels	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as an infringement on my 2nd amendment rights.

HB-426-HD-1

Submitted on: 3/28/2023 12:10:55 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jonathan Clay Hutchinson	Individual	Support	Written Testimony Only

Comments:

I support HB 426

HB-426-HD-1

Submitted on: 3/28/2023 2:37:56 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jay Henderson	Individual	Support	Written Testimony Only

Comments:

I support HB426

HB-426-HD-1

Submitted on: 3/28/2023 3:43:18 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Barry Aoki	Individual	Oppose	Written Testimony Only

Comments:

I would like to OPPOSE this bill in its entirety. This bill is designed to penalize lawful businesses instead of the person committing the crime. If this bill is approved and passes then which type of lawful business will our lawmakers go after next? If a criminal misuses a legal product then go after the criminal. Please OPPOSE this bill in its entirety. Allow lawful businesses to continue.

Barry Aoki of Lahaina, Maui, HI

HB-426-HD-1

Submitted on: 3/28/2023 5:47:50 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
james pirtle	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. I want every right granted to me per the 2nd Amendment.

HB-426-HD-1

Submitted on: 3/28/2023 5:51:28 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristina	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill HB426

HB-426-HD-1

Submitted on: 3/28/2023 5:59:38 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Addison Medeiros	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. (HB 426)

HB-426-HD-1

Submitted on: 3/28/2023 6:01:04 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kahana Kauahi	Individual	Oppose	Written Testimony Only

Comments:

I oppose bill HB426 This bill does not make sense. Why dont pharmeceutical manufacture companys take blame for related health problems and deaths due to their medicines?

HB-426-HD-1

Submitted on: 3/28/2023 6:01:17 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Joel Berg	Individual	Oppose	Written Testimony Only

Comments:

If this bill were about safety it would apply to everything, not just guns. Better not teach difficult children to read, we would hate for them to misuse that knowledge? Right guys?

HB-426-HD-1

Submitted on: 3/28/2023 6:15:23 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Steven Fukuhara	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill!

Please do not pass this bill

Thank You

Steven Fukuhara

HB-426-HD-1

Submitted on: 3/28/2023 6:21:43 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Clardean P Lehano	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose HB 426. This bill is a perfect example of government overreach.

Mahalo,

Clardean Lehano

HB-426-HD-1

Submitted on: 3/28/2023 6:26:46 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
TOLUALII FILIPO	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill.

HB-426-HD-1

Submitted on: 3/28/2023 6:27:50 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
William Lono	Individual	Oppose	Written Testimony Only

Comments:

I'm in *opposition* of bill **HB426**.

HB-426-HD-1

Submitted on: 3/28/2023 6:39:57 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Elmer Domingo	Individual	Oppose	Written Testimony Only

Comments:

This Bill is a direct threat to the Firearm Industry. It is not the liability of the Firearm Industry where they have filed the correct paperwork to have an individual to have the RIGHT to Bear Arms. It is an individual who is completely responsible for their acts.

HB-426-HD-1

Submitted on: 3/28/2023 6:50:19 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this Bill.

HB-426-HD-1

Submitted on: 3/28/2023 6:52:42 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Edward Inn	Individual	Oppose	Written Testimony Only

Comments:

This bill goes against my constitutional rights and you democrats should read it and not go against our founding fathers shame on you

HB-426-HD-1

Submitted on: 3/28/2023 7:05:44 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Kimura	Individual	Oppose	Written Testimony Only

Comments:

Aloha Legislators,

I am writing to oppose HB 426. This just another attempt to compromise the Second Amendment. I ask for your support.

Thank you,

Jason Kimura

HB-426-HD-1

Submitted on: 3/28/2023 7:08:38 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Keikilani Ho	Individual	Oppose	Written Testimony Only

Comments:

i strongly oppose this bill.

HB-426-HD-1

Submitted on: 3/28/2023 7:12:53 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jordan Ho	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill.

HB-426-HD-1

Submitted on: 3/28/2023 7:27:00 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Larry Duclayan	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE HB426 HD1.

HB-426-HD-1

Submitted on: 3/28/2023 7:36:28 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicolas Dramisino	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because it is unconstitutional like every other anti gun bill.

imagine suing an auto maker everytime somebody dies in a car accident,it takes away the responsability of an individual and puts it in someone else.

HB-426-HD-1

Submitted on: 3/28/2023 7:59:31 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Terry Zelko	Individual	Oppose	Written Testimony Only

Comments:

oppose

HB-426-HD-1

Submitted on: 3/28/2023 8:26:27 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Yvonne Alvarado	Individual	Oppose	Written Testimony Only

Comments:

I Yvonne Alvarado oppose to Bill HB426

HB-426-HD-1

Submitted on: 3/28/2023 8:30:53 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Eric Ross	Individual	Oppose	Written Testimony Only

Comments:

This infringes on the second amendment.

HB-426-HD-1

Submitted on: 3/28/2023 8:34:12 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Penner	Individual	Oppose	Written Testimony Only

Comments:

It's clear that the purpose of this bill is to further restrict legal firearms access to your constituents by making anyone who "dares" to deal in firearms in this state jump through even more hoops to operate.

We are already one of the most heavily regulated and restricted states in the nation regarding access to firearms, stop trying to find new ways to punish law abiding citizens.

HB-426-HD-1

Submitted on: 3/28/2023 8:38:42 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Manulani Garcia	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB426.

HB-426-HD-1

Submitted on: 3/28/2023 8:44:59 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Sabrina Sumner	Individual	Oppose	Written Testimony Only

Comments:

I, Sabrina Sumner, OPPOSE this bill 426

HB-426-HD-1

Submitted on: 3/28/2023 8:50:44 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Chad Amasiu	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB426

HB-426-HD-1

Submitted on: 3/28/2023 9:08:30 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeff miller	Individual	Oppose	Written Testimony Only

Comments:

Opposed

HB-426-HD-1

Submitted on: 3/28/2023 9:09:20 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Sharise Dudoit	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-426-HD-1

Submitted on: 3/28/2023 9:17:50 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Willis	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE HB 426

HB-426-HD-1

Submitted on: 3/28/2023 9:22:39 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kanoë Willis	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE HB426

HB-426-HD-1

Submitted on: 3/28/2023 9:29:27 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephen Kobayashi	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB426

HB-426-HD-1

Submitted on: 3/28/2023 9:38:22 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Leslie J.	Individual	Oppose	Written Testimony Only

Comments:

This measure may have good intentions, but its language is flawed. Please defer this measure. Thank you.

HB-426-HD-1

Submitted on: 3/28/2023 9:53:22 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Sean Loo	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill because gun stores should not be held liable if a person uses things that were purchased or stolen from that store to commit a crime. There is no way of knowing or preventing what a person will do after they leave the gun store. We do not hold car dealerships liable for selling a car to a person who decides to drink and drive and ends up killing someone so why should it be any different for a gun store. We do not hold a liquor store or bar liable for someone getting intoxicated who ends up trying to drive home and kills someone from being too drunk to drive.

HB-426-HD-1

Submitted on: 3/28/2023 9:56:03 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
M. Leilani DeMello	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

As our elected officials, I ask that you **STRONGLY OPPOSE** this bill.

Mahalo,

M. Leilani DeMello

‘Ōla‘a, Puna, Hawai‘i

HB-426-HD-1

Submitted on: 3/28/2023 9:57:10 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Bruce Fischer	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-426-HD-1

Submitted on: 3/28/2023 10:01:24 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaysha Mata-Peahu	Individual	Oppose	Written Testimony Only

Comments:

Aloha. As a Native Hawaiian, Christian, Female from the west side of Kaua'i, I oppose this bill.

HB-426-HD-1

Submitted on: 3/28/2023 10:09:05 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Cheryl Rzonca	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 426 and ask that this bill be rejected. This is an infringement of our 2nd amendment rights. We do not hold car makers or dealers responsible for people killing people with their cars (unless it is a manufacturer defect) so we should not hold firearm industry members responsible for the misuse of firearms. People kill people, guns don't kill people.

HB-426-HD-1

Submitted on: 3/28/2023 10:43:41 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Aukai Ng	Individual	Oppose	Written Testimony Only

Comments:

Aloha and Mahalo for your time.

You all are just making it more difficult for law abiding citizens to own a firearm. Do you morons not realize this takes away the rights of a law abiding citizen a chance to defend themselves? Say a intruder comes into a man's house to rob and kill whoever is in the home, the home owner defends him and maybe is family with a firearm. IF the perpetrator survives, does the intruder now have a case to take legal action against the man he was robbing and about to harm? It's wrong and unconstitutional and you all know it. You are allowing criminals and anti-2nd Amendment prosecutors to take advantage of law abiding citizens who want to defend themselves against criminals and a tyranical government. With crime going up in this state, you'd want a means of defense, but no, all you democate losers want the People to suffer, you have no desire of protecting the people, all you democrates just want chaos and destruction in our state, No ack like this isn't your intention, you all are tyrants and we will contine to speak out if you keep infringing on our rights. Knock it off!

Mahalo

HB-426-HD-1

Submitted on: 3/28/2023 11:03:16 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Dawn Morais Webster Ph.D.	Individual	Support	Written Testimony Only

Comments:

Children are dying because the manufacturers have chosen not to make guns safer and have suffered no consequences. No industry should be above the law.

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children. Please support HB426.

HB-426-HD-1

Submitted on: 3/28/2023 11:15:38 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Cabjuan	Individual	Oppose	Written Testimony Only

Comments:

Please oppose this bill. How does this stop crime in Hawaii? Stop punishing small business in Hawaii and focus on catching criminals. Vote NO on this bill.

HB-426-HD-1

Submitted on: 3/28/2023 11:43:40 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Glen Miguel-Matsumoto	Individual	Oppose	Written Testimony Only

Comments:

I am submitting this written testimony to show complete **opposition** to HB 426.

This bill directly violates the Protection of Lawful Commerce in Arms Act (PCLAA) – which was passed in 2005. This U.S. law is codified under Chapter 105 of U.S. Code Title 15. The law finds the following under §7901:

“Businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, manufacture, marketing, distribution, importation, or sale to the public of firearms or ammunition products that have been shipped or transported in interstate or foreign commerce **are not and should not be liable for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products that function as designed or intended.**”

HB 426 specifically defines “standards of conduct” for firearm industry members to enforce “reasonable precautions” to ensure that the firearm does not go through a distribution process “likely to create an unreasonable risk of harm to public health and safety in the State.” Firearm industries – which means businesses, should not be held liable for any criminal activities or misuse of the products as stated in the PCLAA. Creating any conduct for Firearm industry members to follow violates that law. As also reiterated in the PCLAA, the Second Amendment provides that the right of the people to “keep and bear arms shall not be infringed.”

15 U.S. Code Findings (Protection of Lawful Commerce in Arms Act):

[15 U.S. Code § 7901 - Findings; purposes | U.S. Code | US Law | LII / Legal Information Institute \(cornell.edu\)](#)

HB-426-HD-1

Submitted on: 3/29/2023 1:33:11 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
CHESTER LUM	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB426 in its entirety and respectfully request you do the same.

This bill penalizes the manufacturer or seller of the firearm for the crime instead of the person who perpetrated it. It would be like suing a manufacturer or seller of a hammer if it was used in the commission of a crime or any harmful act.

For this reason, I oppose HB426 and its amendments and again respectfully request you do the same.

Thank you.

Chester Lum

HB-426-HD-1

Submitted on: 3/29/2023 3:52:24 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelvien Dixon	Individual	Oppose	Written Testimony Only

Comments:

Hb426 is a nonsense because a firearm is nothing more than a tool. It is the individual who decides what to use it for. The manufacturers just make the tool. And have control on the individual of how and when they use it. Like for example black and decker they make power tools. They are intended to be used for home improvement. But when they are used for other things. We don't sue black and decker because we all know what the tools were meant for. There is no need for a standard of conduct for them because it the individual person who decided not used tools for their intended use. And it's beyond the control of the manufacturers. Same thing with a firearm it is just a tool. what they are used for is beyond the control of the firearms industry. But in the control of the individual person who uses them.

HB-426-HD-1

Submitted on: 3/29/2023 7:03:02 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kent Kurihara	Individual	Oppose	Written Testimony Only

Comments:

This letter is to serve as my OPPOSITION to HB426.

It is unreasonable to hold the manufacturer, distributor, retailer, or seller liable for the violations/actions of individuals using a firearm. This is a standard not thrust upon other legal "items" such as vehicles, knives, hammers, etc. Just as phone, computer, and wireless carriers aren't held accountable for online bullying; or vehicle manufacturers aren't found responsible for the deaths caused by drunk drivers, the idea of making anyone upstream of a firearm user liable for his actions is nonsensical.

Furthermore, with the permitting system in place in Hawaii, ultimately, if the state wishes to place blame on a entity for the behavior of a gun owner, then it should look to the counties themselves, as they issue ownership permits and registrations AFTER 14 days of medical and records reviews.

No one can truly look into the future with any clarity to determine what actions a free individual will take, so placing blame on legal industries, following strict federal, state, and county rules is truly wrong and discriminatory.

HB-426-HD-1

Submitted on: 3/29/2023 7:07:07 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Mitchell H. Weber	Individual	Oppose	Written Testimony Only

Comments:

I strongly OPPOSE HB426,

The wording of this bill is vague, I presume that was done intentionally either due to your lack of even a basic semblance of firearms knowledge or for you to be able to retroactively change what you call "reasonable measures" & "abnormally dangerous". A legislator worth their salt would know that some of the proposed measures are already required by law. You would also understand that this is unenforceable.

Regards,

Mitchell H weber

HB-426-HD-1

Submitted on: 3/29/2023 7:14:30 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Alberta Lono	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB426. This is infringing on our 2nd Amendment rights



Senate Committee on Judiciary
HEARING: March 30, 2023 at 935pm
RE: HB426 Relating to Firearms

Hawaii Firearms Coalition **OPPOSES HB426.**

The purpose of this is to put Hawaii's gun stores and firearms manufacturers out of business not through nefarious acts, but instead by switching the blame from criminals to the business. Gun stores are one of the most regulated industries with laws and requirements at the Federal, State, and County level. It is also one of the most difficult industries for a small business to survive in with regulations, insurance, security, tracking, and other costs along with the high penalties if the laws are not followed.

The combined factors of audits, fines, criminal penalties, slim margins, and high cost of business ensure that the firearms industry in Hawaii keeps high standards of conduct and controls over their products.

This bill will encourage frivolous lawsuits to be filed against gun stores that are in a lose-lose situation. The mere act of just filing the lawsuit results in the gun store needing to pay tens or hundreds of thousands of dollars in attorney fees to defend itself.. Even if the gun store wins the lawsuit, it will go out of business or face high insurance costs which will put them out of business.

This bill will create a precedent in Hawaii where any business could face a law like this and be put out of business. Last week, a car dealership had 5 cars stolen. Should the dealership or car manufacturer be sued if the car is used in a crime? If a screwdriver is sold to someone in a hardware store and is used in a robbery, should the hardware store and manufacturer be sued?

PLAA

The proponents of this law say it is necessary due to the Federal Protection of Lawful Commerce in Arms Act shields the gun industry from all lawsuits. This is not the case. This law protects the firearms industry in the legal manufacture and sale of firearms in interstate commerce from the criminal or unlawful misuse of a firearm. This was a bipartisan law to prevent frivolous lawsuits being filed against the gun industry to put them out of business.

The firearms industry can still be sued for defective products or criminal acts committed by them, such as not following regulations or participating in straw sales.

134-B (d)

The term "assaultive purposes" is very vague and dependent on the person defining it. To some, it could mean any semiautomatic firearm. To others, it could be a high-caliber bolt action rifle. To others, it could be a 30 round magazine. The standard set by the US Supreme Court is firearm products in

common use and any restrictions on firearm products must be based on US historical laws generally in place in the states at the time of the Constitution's ratification.

We also take issue with the ban on firearm products designed, sold, or marketed to minors. Minors make up a large population of firearm users for hunting, high school competitions, boy/girl scouts training, collegiate/Olympic training, military training, and many other disciplines. Shooting sports teach minors the importance of safety, morals, and responsibility.

"Reasonable Controls"

Law enforcement is trained and has the power to investigate and enforce firearms laws and unlawful conduct, not the gun stores. Gun store's already have measures to reduce inventory loss and do their best to screen people that show risks, or else they would not be in business anymore.

Please vote no on HB426.

Mahalo

Todd Yukutake
Director
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Protection of Lawful Commerce in Arms Act, Public Law no 109-92

<https://www.congress.gov/bill/109th-congress/senate-bill/397>

Public Law No: 109-92 (10/26/2005)

(This measure has not been amended since it was passed by the Senate on July 29, 2005. The summary of that version is repeated here.)

Protection of Lawful Commerce in Arms Act - (Sec. 3) Prohibits a qualified civil liability action from being brought in any state or federal court against a manufacturer or seller of a firearm, ammunition, or a component of a firearm that has been shipped or transported in interstate or foreign commerce, or against a trade association of such manufacturers or sellers, for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines, penalties, or other relief resulting from the criminal or unlawful misuse of a firearm. Requires pending actions to be dismissed.

Excludes from such prohibition actions: (1) brought by a directly harmed party against a person who transfers a firearm knowing that it will be used to commit a crime of violence or a drug trafficking crime; (2) brought against a seller for negligent entrustment or negligence per se; (3) in which a manufacturer or seller of a firearm knowingly violated a state or federal statute applicable to the sale or marketing of the firearm and the violation was a proximate cause of the harm for which relief is sought; (4) for breach of contract or warranty in connection with the purchase of the firearm; (5) for death, physical injuries, or property damage resulting directly from a defect in design or manufacture of the firearm when used as intended or in a reasonably foreseeable manner, except that where the discharge was caused by a volitional act that constituted a criminal offense, such act shall be considered the sole proximate cause of any resulting death, personal injuries, or property damage; or (6) commenced by the Attorney General to enforce firearms provisions under the federal criminal code or the Internal Revenue Code. Permits a person under age 17 to recover damages authorized under federal or state law in a civil action that meets specified requirements.

(Sec. 5) Child Safety Lock Act of 2005 - Prohibits the sale, delivery, or transfer by a licensed importer, manufacturer, or dealer of a handgun to any person other than a person with a firearms license unless the transferee is provided with a secure gun storage or safety device. Lists exceptions, including for U.S. and state agencies and for law enforcement. Grants immunity from a qualified civil liability action for a person who has lawful possession and control of a handgun and who uses a secure gun storage or safety device. Establishes as penalties for violations: (1) license revocation or suspension for up to six months; or (2) a civil penalty of up to \$2,500.

(Sec. 6) Sets penalties for using or carrying armor piercing ammunition during and in relation to a crime of violence or a drug trafficking crime, and for possessing armor piercing ammunition in furtherance of any such crime, that shall be in addition to the punishment otherwise provided for such crime.

Directs the Attorney General to conduct and report to the chairman and ranking member of the House and Senate Judiciary Committees on a study to determine whether a uniform standard for the testing of projectiles against body armor is feasible.

HB-426-HD-1

Submitted on: 3/29/2023 7:41:19 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kekoa Gardner	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. The firearm industry is one of the most regulated industries in this country. Any individual who feels they have suffered harm because of another individual already can file a civil suit against that person. Why would a separate standard of conduct for firearm industry members be necessary when there are currently laws dictating what would be considered criminal in regard to Hawaii's laws.

If there is no violation of our current laws, an attorney general, county attorney or public prosecutor should not have the ability to bring a civil suit against any firearm industry member. A civil suit is outside the scope of their job. Allowing a civil suit to be brought against an individual by a person representing a government agency would be a waste of government resources (time and money).

The ability for a government agency to file a civil suit against a firearm industry member with newly created "standards" does nothing to benefit the community. If the attorney general, county attorney or public prosecutor feels like our laws are inadequate they need to work with our law makers create laws they feel are not yet addressed under our current state or county laws.

HB-426-HD-1

Submitted on: 3/29/2023 7:41:51 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Andy ozie	Individual	Oppose	Written Testimony Only

Comments:

Please stop 2nd ammendment infringement. The government is not representing the people and const you all swore to uphold and protect

HB-426-HD-1

Submitted on: 3/29/2023 7:44:30 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Sean J deMello	Individual	Oppose	Written Testimony Only

Comments:

i am opposing this bill because this is just another ploy to try and sue the firearms industry out of existence, since trying to strip us of our second amendment rights isn't working out for you guys.

HB-426-HD-1

Submitted on: 3/29/2023 7:54:05 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jane Gibbons Taylor	Individual	Support	Written Testimony Only

Comments:

Current federal law has shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people. There are many responsible gun industry actors, and **HB426** won't impact them. But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children. Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Please support HB426.

HB-426-HD-1

Submitted on: 3/29/2023 8:27:48 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
christopher zorbo	Individual	Oppose	Written Testimony Only

Comments:

Hunting, shooting skeet, target shooting are some of the healthiest leisure sports as well as keeping the family safe is a priority of mine, as should be all others too. The state is becoming increasingly unsafe with robberies with many homeless and drug addicts all around. Even in the most beautiful neighborhoods. The police are great people but they can't respond quick enough if someone is trying to engage in violence act with the people it's our rights to protect and own a firearm with the second amendment. Mahalos for your time,
chris

HB-426-HD-1

Submitted on: 3/29/2023 8:55:56 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

With nearly every other industry in the United States, civil liability can be used as an important check on irresponsible and harmful industry behaviors. But the profit-seeking gun industry has enjoyed enormous exemptions from liability and accountability in court since President Bush signed the federal Protection of Lawful Commerce in Arms Act (“PLCAA”) into law in 2005. Many states have also enacted similar laws that shield firearm and ammunition manufacturers, dealers, and other industry members from many kinds of traditional civil lawsuits.

Civil liability plays an important role in promoting community and consumer safety. In circumstances where legislators have been unwilling to enact laws regulating a dangerous industry, the possibility of civil litigation—lawsuits—can help incentivize industries to take reasonable steps to prevent their products or business practices from causing foreseeable risks to human life and wellbeing. Traditionally, this means that victims harmed by wrongful industry conduct, or public officials acting on the people’s behalf, can seek fair justice and accountability in the courts by filing lawsuits seeking monetary compensation or other court-ordered relief when industries have negligently or recklessly caused harm or failed to take reasonable steps to prevent foreseeable harm.

In too many cases, however, this principle does not apply to the gun industry because the industry has obtained unprecedented immunity from this system of justice and accountability.

In recent years, four states have enacted victims’ access to justice laws that codify standards of responsible conduct for the firearm industry and ensure that more victims of gun violence can bring civil suits seeking justice and fair remedies in court. Hawai‘i should join them. Please pass HB426 HD1.

HB-426-HD-1

Submitted on: 3/29/2023 9:11:38 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Virginia Enos	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose this Bill as I have been the victim of a stalker in the passed and wish to preserve my Second Amendment right to protect my life.

HB-426-HD-1

Submitted on: 3/29/2023 9:14:17 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
KELVIN AWAYA	Individual	Oppose	Written Testimony Only

Comments:

I am writing to oppose HB426 HD1. The criteria of this bill is in short, upside down. As we all know, a firearm is an inanimate object. It will never inflict harm upon anyone without such action committed by a user/operator. As the same as it is with an automobile, lawnmower, power tool, hand tool, etc.

To hold any individual or firearms dealer/shop that sells firearms, related products, or ammunition liable for the actions of someone else, is flat out preposterous. The results of the individual committing an action is obviously not the responsibility of another, it lies solely on themselves. What part of this is not clear? You don't ever hear of lawmakers pushing to hold car manufacturers, or other product vendors liable for the actions of others when their products are involved in situations where injuries or at worst, fatalities occur. It is a flagrant offense to do so, no two ways around it. We as individuals are responsible for our actions, simple. In closing, I again will state that I oppose this bill for its invalidity.

Respectfully,

Kelvin Awaya

HB-426-HD-1

Submitted on: 3/29/2023 9:20:47 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Tim Martin	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE HB 426 BECAUSE ITS BASIC PREMISE IS ILLOGICAL AND BECAUSE IT IS PART OF AN ATTEMPT BY MY GOVERNMENT TO INDIRECTLY ERODE MY 2ND AMMENDMENT RIGHTS!

HB-426-HD-1

Submitted on: 3/29/2023 9:38:34 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Klaudia G Kemenes	Individual	Oppose	Written Testimony Only

Comments:

Tightening already very strict firearms regulations puts residents in a position where they cannot protect themselves. This bill is an attack against the 2nd amendment and the US constitution.

HB-426-HD-1

Submitted on: 3/29/2023 10:04:23 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Heiwa	Individual	Oppose	Written Testimony Only

Comments:

Don't ignore the voice of citizens

HB-426-HD-1

Submitted on: 3/29/2023 10:25:31 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Meribeth Kekumu	Individual	Oppose	Written Testimony Only

Comments:

The 2nd admendment of our constitution still stands. Remember the oaths you took for office. Mahalo

HB-426-HD-1

Submitted on: 3/29/2023 10:50:53 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
CRISTON KAM	Individual	Oppose	Written Testimony Only

Comments:

We the people strongly oppose this bill. With the supreme courts ruling on the Bruen case, you have to follow the historical context of America and the plain text of the constitution. "A well regulated militia" meant the people be trained and ready for war against foreign and domestic threats. "The right of the people to keep and BEAR arms shall not be infringed upon" means The right of the people to keep and BEAR arms shall not be infringed upon!!!

HB-426-HD-1

Submitted on: 3/29/2023 11:43:10 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Erica Yamauchi	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair, Vice Chair and Members of the Committee:

I am writing today in strong support of this bill.

Current federal law has shielded bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and HB426 won't impact them.

But others act with impunity because their industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts, and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Please support HB426.

HB-426-HD-1

Submitted on: 3/29/2023 11:50:59 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Kerri Yeakey	Individual	Oppose	Written Testimony Only

Comments:

I stand in opposition to the language used in this bill. It's unclear how this would be used constructively related to safety.

HB-426-HD-1

Submitted on: 3/29/2023 2:53:37 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Ali Ameden	Individual	Oppose	Written Testimony Only

Comments:

As usual trying to strip us of our rights and freedoms under the guise of safety. Did you even pay attention to how the Common Wealth Countires treated the citizens during the scamdemic? Is that what you want your children to be? At the mercy of tyrants? A "law" is not going to stop anyone from getting a gun if that is their intent. It's just an excuse to disarm the population to clamp us down further. Do your job and protect our right to bear arms.

HB-426-HD-1

Submitted on: 3/29/2023 4:35:30 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Marilyn Mick	Individual	Support	Written Testimony Only

Comments:

Aloha,

With nearly every other industry in the United States, civil liability can be used as an important check on irresponsible and harmful industry behaviors. But the profit-seeking gun industry has enjoyed enormous exemptions from liability and accountability in court since President Bush signed the federal Protection of Lawful Commerce in Arms Act (“PLCAA”) into law in 2005. Many states have also enacted similar laws that shield firearm and ammunition manufacturers, dealers, and other industry members from many kinds of traditional civil lawsuits.

Civil liability plays an important role in promoting community and consumer safety. In circumstances where legislators have been unwilling to enact laws regulating a dangerous industry, the possibility of civil litigation—lawsuits—can help incentivize industries to take reasonable steps to prevent their products or business practices from causing foreseeable risks to human life and well-being. Traditionally, this means that victims harmed by wrongful industry conduct, or public officials acting on the people’s behalf, can seek fair justice and accountability in the courts by filing lawsuits seeking monetary compensation or other court-ordered relief when industries have negligently or recklessly caused harm or failed to take reasonable steps to prevent foreseeable harm.

In too many cases, however, this principle does not apply to the gun industry because the industry has obtained unprecedented immunity from this system of justice and accountability.

In recent years, four states have enacted victims’ access to justice laws that codify standards of responsible conduct for the firearm industry and ensure that more victims of gun violence can bring civil suits seeking justice and fair remedies in court. Hawai‘i should join them.

Please pass HB426 HD1.

Mahalo, Marilyn Mick, Honolulu

HB-426-HD-1

Submitted on: 3/29/2023 5:17:04 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Joe Fagundes	Individual	Oppose	Written Testimony Only

Comments:

Dear Committee Members:

The Proposed HB426 HD1 unduly creates civil liability upon the firearms industry and the citizens which are its potential customers. The right to keep and bear arms is a Constitutional Right and to create a legal presumption of a firearm as "abnormally dangerous" is absurd. Guns don't kill people, people kill people! For example, the proposed amendment to HRS134-B (3)(d)(1) attempts to categorize firearms based upon recreational versus "assaultive" purposes, failing to adhere to the 2nd Amendments purpose and freedom. There is nothing in the constitution which restricts gun use to recreational use and hunting, for example.

The recent US Supreme Court case of New York State Rifle & Pistol Association Inc. vs. Bruen, the Supreme Court not only ruled that broad limits against people carrying firearms in California and New York were unconstitutional, but that other restrictions on firearms that aren't deeply rooted in early American history would likewise violate the 2nd Amendment.

Creating civil liability for a seller of constitutionally protected firearms will only work to chill the exercise of Second Amendment rights by citizens through making firearms less available and accessible. Of course, the "bad guys" don't go through licensed gun dealers and background checks, which already exist in our Hawaii Laws. Why make guns harder to get by creating liability for businesses who supply the commodity by which citizens may exercise their constitutional right. We are not talking about sub machine guns or military grade firearms here, we are talking about restricting those who sell firearms which are intended for civilian use irrespective of it's "assaultive" potential. A knife, or a cane, or a flashlight can be "assaultive". The definitions are too restrictive and overbroad, in addition to the inherent unconstitutionality.

HB426 HD1 must not be passed as it is simply unnecessary. Licensed firearms dealers already have strenuous requirements to the Government and Public. Creating civil liability for them will only further Hawaii's reputation of being business unfriendly.

Respectfully submitted,

Joseph Fagundes, III

HB-426-HD-1

Submitted on: 3/29/2023 5:47:34 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Raymond Ishii	Individual	Oppose	Written Testimony Only

Comments:

Aloha I strongly oppose HB426

This is a simple attempt to punish a Federally licensed business for selling a legal product should that product be misused at a later date after it has left the control of the business.

Automobiles are the leading cause of death of the youth in this country, this bill would be the same thing as suing a auto parts store for selling a turbo charger, a tire store for selling high performance tires and a gas station for selling high octane gas. All of which enhances the vehicle's performance and makes it more deadly. Are you going to sue NAPA, Texaco or Costco if the driver drives recklessly and kills some one. Of course it, you would go after the driver. This bill will punish a legal Federally licensed business that are under Federal regulatory oversight for selling a legal product.

Again I strongly oppose this bill.

Thank You

HB-426-HD-1

Submitted on: 3/29/2023 8:28:53 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Onnagan	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB426. I just don't understand why the firearm businesses or the manufacturers would be accountable for the actions of an individual(criminal). The individual committing the criminal actions should be the only one accountable, plain and simple. An example of why HB426 doesn't make any sense is from the incident where Darrell E. Brooks Jr. Drove his FORD ESCAPE into the crowd of people in that Christmas Parade in 2021. HB426 would be an example in that situation where FORD would be accountable for the deaths of those victims and don't forget the tire manufacturer along with the brake pads/rotor manufacturers, etc. Please oppose HB426.

HB-426-HD-1

Submitted on: 3/29/2023 8:43:22 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Pavel Yushin	Individual	Oppose	Written Testimony Only

Comments:

Hawai'i already has strict gun laws. More restrictions are Unconstitutional.

HB-426-HD-1

Submitted on: 3/29/2023 9:29:40 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Timothy Miyao	Individual	Oppose	Written Testimony Only

Comments:

Honorable House Judiciary Committee,

Please oppose HB426 in its current form. This legislation does not clearly define what reasonable measures businesses need to do.

Thank you for all you do for the people of Hawaii!

HB-426-HD-1

Submitted on: 3/29/2023 10:26:35 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Lee Ann Trent	Individual	Oppose	Written Testimony Only

Comments:

I strongly OPPOSE this bill.

HB-426-HD-1

Submitted on: 3/29/2023 10:27:20 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Lirengo	Individual	Support	Written Testimony Only

Comments:

Please Act to Stop Gun Violence and Protect Our Children!

Current federal law shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Current federal law shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any

industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Current federal law shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

HB-426-HD-1

Submitted on: 3/29/2023 10:33:34 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

Support

HB-426-HD-1

Submitted on: 3/29/2023 11:27:22 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Randi Egdamin	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB426.

HB-426-HD-1

Submitted on: 3/30/2023 2:43:23 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Lianne Blas	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill!!!

HB-426-HD-1

Submitted on: 3/30/2023 3:30:52 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Sunshine Hauanio	Individual	Oppose	Written Testimony Only

Comments:

Dear Legislature,

I am writing to express my strong opposition to the Hawaii Bill 426 establishing standards of conduct for firearm industry members and authorizing civil actions against them for any violation of these standards.

While the intention of this bill may be to ensure responsible conduct within the firearm industry, it poses a serious threat to the constitutional rights of law-abiding citizens who legally purchase and use firearms. By allowing anyone to bring a civil action against a firearm industry member for any violation of the standards of conduct, the bill opens the door to frivolous and malicious lawsuits that will unduly burden firearm manufacturers and sellers.

Additionally, the proposed standards of conduct are overly broad and vague, making it difficult for firearm industry members to comply with them. This could result in unintentional violations and subsequent legal action, further exacerbating the burden on the industry.

Furthermore, the bill grants significant power to the attorney general and public prosecutors to bring civil actions against firearm industry members for any perceived violation of the standards of conduct. This creates an unbalanced and potentially abusive system that could subject lawful firearms dealers and manufacturers to undue legal scrutiny and harassment.

In conclusion, I urge you to vote against this bill and protect the rights of law-abiding citizens to own and use firearms responsibly. Thank you for your consideration.

Sincerely,

Sunshine Hauanio

HB-426-HD-1

Submitted on: 3/30/2023 5:28:47 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexander Pacheco jr	Individual	Oppose	Written Testimony Only

Comments:

Dear Legislature,

I am writing to express my opposition to the proposed HB426 that seeks to establish standards of conduct for firearm industry members and authorizes any person who has suffered harm because of a firearm industry member's violation of the standards of conduct to bring a civil action.

Although the intent behind the bill may appear commendable, I believe that it will only serve to negatively impact the firearm industry and gun owners.

The proposed bill will likely result in unnecessary regulations on the firearm industry, which will increase the cost of producing, distributing and selling firearms. This, in turn, would restrict the access of law-abiding citizens to their constitutional right to bear arms for self-defense and other lawful purposes. As a result, the bill will disproportionately affect those who rely on firearms for their livelihoods, like hunters, sportsmen, and gun enthusiasts.

Moreover, the bill is likely to lead to frivolous lawsuits against firearm industry members that are based on flimsy or false claims of harm. These lawsuits will waste the time and resources of industry members, government officials, and the courts, and may ultimately hamper the ability of the firearm industry to serve its consumers in a fair and responsible manner.

In conclusion, while the effort to promote public safety and limit the misuse of firearms is commendable, I strongly believe that the proposed HB426 would do more harm than good. I respectfully urge the lawmakers to reconsider the bill and focus on alternative measures that promote responsible firearm ownership and usage, while still preserving the rights of law-abiding citizens.

Thank you for your consideration.

Sincerely,

Alexander Pacheco Jr.

HB-426-HD-1

Submitted on: 3/30/2023 5:58:30 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Woody Child	Individual	Oppose	Written Testimony Only

Comments:

I strongly OPPOSE HB 426.

HB-426-HD-1

Submitted on: 3/30/2023 9:33:55 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Maria Rizzo	Individual	Oppose	Written Testimony Only

Comments:

Dear Committee Members:

The Proposed HB426 HD1 unduly creates civil liability upon the firearms industry and the citizens which are its potential customers. The right to keep and bear arms is a Constitutional Right and to create a legal presumption of a firearm as "abnormally dangerous" is absurd. Guns don't kill people, people kill people! For example, the proposed amendment to HRS134-B (3)(d)(1) attempts to categorize firearms based upon recreational versus "assaultive" purposes, failing to adhere to the 2nd Amendments purpose and freedom. There is nothing in the constitution which restricts gun use to recreational use and hunting, for example.

In the recent US Supreme Court case of New York State Rifle & Pistol Association Inc. vs. Bruen, the Supreme Court not only ruled that broad limits against people carrying firearms in California and New York were unconstitutional, but that other restrictions on firearms that aren't deeply rooted in early American history would likewise violate the 2nd Amendment.

Creating civil liability for a seller of constitutionally protected firearms will only work to chill the exercise of Second Amendment rights by citizens through making firearms less available and accessible. Of course, the "bad guys" don't go through licensed gun dealers and background checks, which already exist in our Hawaii Laws. Why make guns harder to get by creating liability for businesses who supply the commodity by which citizens may exercise their constitutional right. We are not talking about sub machine guns or military grade firearms here; we are talking about restricting those who sell firearms which are intended for civilian use irrespective of their "assaultive" potential. A knife, or a cane, or a flashlight can be "assaultive". The definitions are too restrictive and overbroad, in addition to the inherent unconstitutionality.

HB426 HD1 must not be passed as it is simply unnecessary. Licensed firearms dealers already have strenuous requirements to the Government and Public. Creating civil liability for them will only further Hawaii's reputation of being business unfriendly.

Respectfully submitted,

Maria Rizzo

HB-426-HD-1

Submitted on: 3/30/2023 10:02:37 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Marcelle Liana	Individual	Oppose	Written Testimony Only

Comments:

I strongly OPPOSE HB 426!

HB-426-HD-1

Submitted on: 3/30/2023 10:25:12 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Gordon Lau Jr	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

HB-426-HD-1

Submitted on: 3/30/2023 10:27:41 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Eric Kaneshiro	Individual	Oppose	Written Testimony Only

Comments:

[House Bill 426](#) aims to undermine the [PLCAA](#) and subject licensed firearm manufacturers and sellers to frivolous lawsuits brought to recover damages for the criminal misuse of their products in order to bankrupt them. It contains vague language regarding what is considered unacceptable conduct of business subject to these lawsuits.

HB-426-HD-1

Submitted on: 3/30/2023 10:34:16 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Brandon Allen Kainoa Leong	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB426. When are we going to stop blaming the firearms industry for the actions of people who commit crimes? In almost every shooting that occurs we find out that the person committing murder has severe mental illness or is a felon in possession of a firearm. Do we sue car companies for drunk drivers killing people. No because it is not the fault of the car or the manufacturer of the car. It is the fault of the idiot behind the wheel that decided to drive his or her car while intoxicated just like it is the person holding the gun that is at fault for committing the crime. Stop trying to demonize an industry because you don't like the product that they produce. Why is it that every year you guy propose laws that will only affect law abiding citizens making it harder for us to exercise our Second Amendment rights? The laws you introduce do nothing to stop criminals from committing crimes/murder nor do they address mental health issues that are almost certainly the factor in these incidents. Why don't you introduce laws with greater consequences for when these people commit these crimes? Make laws that punish criminals and not your constituents that are trying to exercise their rights even if it is a right that you don't agree with.

Brandon Leong

VP Hawaii Rifle Association

HB-426-HD-1

Submitted on: 3/30/2023 10:47:47 AM

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Submitted By	Organization	Testifier Position	Testify
Ernesto Bonilla	Individual	Oppose	Written Testimony Only

Comments:

I VEHEMENTLY OPPOSE.

Are we going to sue car manufactures when there is an accident caused by a drunk driver?