



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

H.C.R. NO. 86, H.D. 1, REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REPORT ON SYSTEMS OF FIREARMS INSURANCE AND OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS PERTAINING TO FIREARMS.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

DATE: Thursday, April 20, 2023

TIME: 3:00 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
David D. Day, Special Assistant to the Attorney General, or
Nicholas M. McLean, Deputy Attorney General

Chair Wakai and Members of the Committee:

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

Gun violence presents an urgent issue of public health and public safety. The Department believes that financial responsibility requirements—including insurance requirements pertaining to firearms—are a promising policy alternative that may warrant further consideration by this body.

As a federal district court in California observed in rejecting a Second Amendment challenge to San Jose's recently-adopted firearms insurance requirement, "the history of reallocating costs of firearm-related accidents—from which [modern firearms insurance systems] descend[]—can be traced back to the early American practice of imposing strict liability for such accidents." *Nat'l Ass'n for Gun Rts., Inc. v. City of San Jose*, 2022 WL 3083715, at *11 (N.D. Cal. Aug. 3, 2022) (recognizing that the United States has "a 'historical tradition' of shifting the costs of firearm accidents from the victims to the owners of the implicated firearms").

Should H.C.R No. 86, H.D. 1 be adopted, the Department stands ready to assist and to work collaboratively with the Legislative Reference Bureau on this matter.

Thank you for your consideration of this measure.

Charlotte A. Carter-Yamauchi
Director

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First Assistant

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LEGISLATIVE REFERENCE BUREAU
State of Hawaii
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Written Comments

HCR86, HD1

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REPORT ON SYSTEMS OF FIREARMS INSURANCE AND OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS PERTAINING TO FIREARMS

Charlotte A. Carter-Yamauchi, Director
Legislative Reference Bureau

Presented to the Senate Committee on Public Safety and Intergovernmental and Military
Affairs

Thursday, April 20, 2023, 3:00 p.m.
Conference Room 225 & Via Videoconference

Chair Wakai and Members of the Committee:

Good afternoon, Chair Wakai and members of the Committee. My name is Charlotte Carter-Yamauchi, and I am the Director of the Legislative Reference Bureau (Bureau). Thank you for providing the opportunity to submit written **comments** on H.C.R. No. 86, H.D. 1, Requesting the Legislative Reference Bureau to Report on Systems of Firearms Insurance and Other Financial Responsibility Requirements Pertaining to Firearms.

The purpose of this measure is to request that the Bureau summarize the relevant mandatory insurance laws of the State of New Jersey and the City of San Jose, and any similar insurance laws that other U.S. jurisdictions may be enacting, as well as any current laws that impose other financial responsibilities on firearms.

The measure also requests that as a part of the report, the Insurance Commissioner provide an analysis of the feasibility and costs of firearms insurance and other financial responsibility requirements and to examine how these systems may be implemented in the State.

The measure further requests that the Bureau submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024.

The Bureau takes no position on this measure but submits the following comments for your consideration.

First, the Bureau notes that the phrase "any similar insurance laws that other U.S. jurisdictions *may be enacting*" (on page 2, lines 30-31; emphasis added) is broadly worded, and could be interpreted to include all pending legislation, not just bills that are enacted into law. Moreover, because the measure refers to "U.S. jurisdictions" and not just "states," the scope of pending bills would also include federal- and county-level legislation. Thus, the number of pending bills could potentially reach in the hundreds over the next eight months. Accordingly, the Bureau respectfully requests that the words "may be enacting" be amended to read as "enacted this year."

Second, since the measure is requesting a separate analysis from the Insurance Commissioner, the Bureau respectfully suggests that Commissioner submit a separate report to the Legislature. Separate reports will eliminate the need for coordination between the Bureau and the Commissioner and most likely result in a more timely submission of the information requested by both agencies.

If these requested amendments are made, then the Bureau believes that the services requested under the measure would be manageable, provided that the Bureau's interim workload is not adversely impacted by too many other studies or additional responsibilities, such as conducting studies, writing or finalizing other reports, drafting legislation, or any combination of these for the Legislature or for other state agencies, task forces, or working groups that may be requested or required under other legislative measures.

Thank you again for your consideration.



JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
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Testimony of the Department of Commerce and Consumer Affairs

Before the
House Committee on Public Safety and Intergovernmental and Military Affairs
Thursday, April 20, 2023
3:00 p.m.
State Capitol, Conference Room 225 and via Video Conferencing

On the following measure:
H.C.R. 86, H.D. 1, REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO
REPORT ON SYSTEMS OF FIREARMS INSURANCE AND OTHER FINANCIAL
RESPONSIBILITY REQUIREMENTS PERTAINING TO FIREARMS.

Chair Wakai and Members of the Committee:

My name is Gordon Ito, and I am the Insurance Commissioner for the Department of Commerce and Consumer Affairs' (Department) Insurance Division. The Department offers comments on this concurrent resolution.

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to report on systems of firearms insurance and other financial responsibility requirements pertaining to firearms.

We appreciate efforts to address firearms safety.

We note that assessing "the feasibility and costs of firearms insurance and other financial responsibility requirements and to examine how these systems may be implemented in the State" as requested in this resolution would require the Insurance Division to contract for professional services.

Thank you for the opportunity to testify on this bill.

HCR-86-HD-1

Submitted on: 4/17/2023 1:34:26 PM

Testimony for PSM on 4/20/2023 3:00:00 PM

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

Comments:

I **strongly oppose** this Resolution which is an infringement on the 2nd Amendment.

HCR-86-HD-1

Submitted on: 4/17/2023 11:02:09 PM

Testimony for PSM on 4/20/2023 3:00:00 PM

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

Comments:

This is a Violation of the 2nd Amendment. Can Not Be Infringed upon. The Coopartion id Dead. In the new United States of America the Republic. The 2nd Amenement is the Law of the Land and any one that trys to Change this will be Charge with a Felony or More. You are walking a very thin Line!!!!!!!!!!