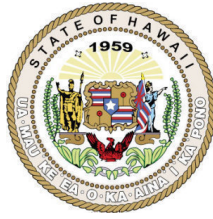


JOSH GREEN
GOVERNOR



JORDAN LOWE
DIRECTOR

MICHAEL S. VINCENT
Deputy Director
Administration

STATE OF HAWAII | KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'opalekana Lehulehu
1177 Alakea Street
Honolulu, Hawaii 96813
(808) 587-2562

Vacant
Deputy Director
Law Enforcement

No.

TESTIMONY ON SENATE BILL 685
RELATING TO FIREARMS
Before the Senate Committee on
Public Safety and Intergovernmental and Military Affairs
Friday, February 10, 2023; 3:05 p.m.
State Capitol Conference Room 225, Via Videoconference
WRITTEN TESTIMONY ONLY

Chair Wakai, Vice Chair Elefante, and members of the Committee:

The Department of Law Enforcement (DLE) recommends that the Legislature address the issues of this bill through Senate Bill 1282 or House Bill 984, which are the Administration's comprehensive bills on this subject.

The administration measures address many of the firearms related issues facing the State following the United States Supreme Court decision in N.Y. State Rifle & Pistol Ass'n, Inc. v. Bruen, 142 S. Ct. 2111, 2133 (2022), which held that the Second Amendment provides for an individual right to keep and bear arms for lawful purposes and the states retain authority to enact "a 'variety' of gun regulations." *id.* at 2162. The Attorney General has addressed the Constitutionality or legality of the various provisions of these bills that address a variety of firearms related issues facing the State and this Legislature. For this reason, the DLE recommends that the Legislature pass one of the Administration's bills, Senate Bill 1282 or House Bill 984.

Thank you for the opportunity to submit comments on this bill.

SB-685

Submitted on: 2/8/2023 11:51:01 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

Indivisible Hawaii supports SB 685.

In addition to the penalty of a misdemeanor, the firearm should immediately be confiscated, the perpetrator should lose any permits and licenses he/she may have, and be disqualified from applying for any permit to acquire or license to carry for a period of one year after conviction.



Hawaii State Capitol - Senate PSM Committees
HEARING: February 10, 2022 3:05pm
RE: SB685 Brandishing a Firearm; Misdemeanor

The Hawaii Firearms Coalition (HIFICO) provides **COMMENTS FOR SB685**

HIFICO agrees with the intent of SB685 in that firearms cannot be used to threaten others unless used in self-defense. However we believe that the current law of terroristic threatening already covers the intent of this bill.

Should you still intend to move forward with this bill, HIFICO wants assurances that legal gun carriers are not charged with this crime for accidental displays of a firearm that can be taken out of context. Such as a gust of wind exposing a firearm under a shirt when conversing with someone that may see that as a threat. To avoid this issue I recommend amending this bill to only apply to intentional acts and removing “or in reckless disregard of the risk of terrorizing”

There needs to be clear protections in the event a firearm is displayed in prevention of crime. Attached is an Arizona law that protects people displaying arms in prevention of crime from prosecution that can be used as an example as an amendment to this bill.

Mahalo,

Todd Yukutake
Director
Hawaii Firearms Coalition
(808) 255-3066
todd@hifico.org

SB-685

Submitted on: 2/7/2023 7:09:24 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Brian Isaacson	Individual	Oppose	Written Testimony Only

Comments:

This is a bill designed to harass concealed carry permit holders. The bill author has no conception of how well trained and conscientious CC permittees tend to be. We already have laws against terroristinc threatening and don't need another law dealing with the same subject.

SB-685

Submitted on: 2/7/2023 10:48:53 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Alan Urasaki	Individual	Comments	Written Testimony Only

Comments:

Please amend your bill to include "non-working" firearms as a misdemeanor. Thank you.

SB-685

Submitted on: 2/8/2023 8:41:29 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Marcus Tanaka	Individual	Oppose	Remotely Via Zoom

Comments:

I oppose this. It doesn't specify where as in "in public only". Which means if you're at your home and someone illegally entered your home to harm you or your family and you announced "if you continue, I have a gun", could this get you in trouble for terroristic threatening? Even though you were not the initial aggressor.

How about if someone you talk to on the phone thretens to come to your home with a group of guys to harm you and you tell them, "if you come, I have a gun to defend myself".

SB-685

Submitted on: 2/8/2023 11:08:51 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Alice Abellanida	Individual	Oppose	Written Testimony Only

Comments:

This is the most insane piece of legislation that I have ever seen! Tyrannical would best describe this nonsense! Egregious violation of 2nd amendment and Constitution! Kill this bill!

SB-685

Submitted on: 2/8/2023 11:09:52 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

For the information of the members of the Senate that are considering this bill, brandishing is a lawful means of deterrent against an individual engaged in conduct that involves attempts to kill, rape or engage in serious bodily injury. Many lawful Concealed Carry incidents do not involve actually firing of a firearm. I do agree that any unlawful use of a firearm should be dealt with and that individual properly charged.

This bill makes it a crime with limited discretion of what has occurred. Any legislation such as this should default to the CCW holder until evidence proves otherwise.

Once again you are proposing legislation directed against law abiding citizens while at the same time, this legislative body is engaged in "No Bail", "Restorative Justice" and legalization of drugs.

Enforcement of existing laws and prosecution of crime with the harsh sentences required are a start.

<https://reason.com/2022/09/09/the-largest-ever-survey-of-american-gun-owners-finds-that-defensive-use-of-firearms-is-common/>

https://www.realclearinvestigations.com/articles/2021/09/22/there_are_far_more_defensive_gun_uses_than_murders_in_america_heres_why_you_rarely_hear_of_them_794461.html

<https://thereload.com/emails-cdc-removed-defensive-gun-use-stats-after-gun-control-advocates-pressured-officials-in-private-meeting/>

SB-685

Submitted on: 2/8/2023 12:32:17 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael I Rice	Individual	Oppose	Remotely Via Zoom

Comments:

I stand in opposition to this bill. I have more than a few concerns about the vagueness of the bill, I'm also curious as to how you can prove intent. Since Hawaii has been forced to comply with the constitution and start issuing carry permits, I have heard and seen numerous letters and comments saying that if they see or even suspect someone has a gun in public they will scream bloody murder and do all they can to cause a panic.

And we've seen how this can quickly escalate, we had an incident at Kaiser Moanalua where a man was walking around openly carrying a taser in the parking lot. The man was literally minding his own business when a report was made to security with someone saying there was a man with a gun and the hospital went into lockdown, and quickly escalated online with people saying there was an active shooter, and a man with a machine gun was going through Kaiser executing patients.

While in practice we do not have the right to openly carry firearms. What happens when despite my best attempts to keep my gun concealed it becomes accidentally exposed and someone sees it and causes a panic, will I be charged with brandishing under this law? What happens if I'm riding with someone and we get into a road rage incident and my friend says 'you better watch your mouth, my friend has a gun and will shoot you'? What happens if an incident occurs where I am justified to use force to defend myself and simply exposing the gun is enough to end the conflict, but later my assailant says I threatened them for no reason?

SB-685

Submitted on: 2/8/2023 1:54:09 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I oppose

SB-685

Submitted on: 2/8/2023 2:04:49 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Xavier Baker	Individual	Oppose	Written Testimony Only

Comments:

Personally for myself I like to notify family that I am carrying when I go over to their house or they come to mine, not to sound cool or anything like that because I NEVER take it out of its holster, not even to show someone real quick if they ask. But I do it out of respect as well as being able to have an understanding with them that if a self defense situation were to happen while I'm either there or in my own home...they will know how to react to the situation safety and effectively.

SB-685

Submitted on: 2/8/2023 2:22:27 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I oppose this bill.

SB-685

Submitted on: 2/8/2023 2:23:56 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Shane I	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill

SB-685

Submitted on: 2/8/2023 2:27:08 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

This bill is just another ridiculous attempt to punish law abiding citizens. There may be incidents where a persons concealed firearm becomes exposed such as reaching up for something, climbing something, the wind, etc. and they should not face criminal charges or harassed because of it. Again, this bill does absolutely nothing to prevent criminals from obtaining or carrying firearms.

SB-685

Submitted on: 2/8/2023 2:28:21 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I oppose this bill.

SB-685

Submitted on: 2/8/2023 2:58:44 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
kimo galon	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE SB685

We already have terroristic threating as a law. There is no need to duplicate a law that is already in place. We need to stop wasting tax payer's money and legislative time voting on laws that are already in place. We gun owners are responsible and hold ourselves on a higher level than most. We also should not be penalized for possible accidents such as if we fall and our firearm becomes known. Or if our covering slides up while reaching for something. We as gun owners are not vigilantes but protectors of our own and our loved ones.

SB-685

Submitted on: 2/8/2023 4:03:15 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I oppose this bill. The government has the burden to show proof that this passes history, text and tradition as it relates to the second amendment. This is just another power grab by law makers to undermine the ability of law abiding citizens their right to keep and bear arms. This is absolutely unconstitutional. I oppose this bill.

SB-685

Submitted on: 2/8/2023 4:20:16 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Gary Robinson	Individual	Oppose	Written Testimony Only

Comments:

I strongly OPPOSE this bill.

the definition of "intent to terrorize" is not objective, and is open to interpretation. This opens the possibility for legal gun owners to be unduly punished by prosecutors for something that may be a mis-understanding of their words, when NO WEAPON IS EVER BROUGHT OUT INTO THE OPEN.

SB-685

Submitted on: 2/8/2023 7:17:04 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

Vote NO. I oppose this. This leads to flase claims by others. Anit-gun politicians are only creating laws due to fear of guns.

SB-685

Submitted on: 2/8/2023 7:18:17 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Rob Mihada	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose Bill SB685 as it's simply unconstitutional as per Bruen and Heller. Bruen specifically states that any law or limitation to keep and bear arms must have historical precedent from when the 2nd amendment was ratified in 1791 or re-ratified 1868. The burden is on the state to prove their laws and limitations are based on those historical precedents. Justice Thomas wrote in Bruen: The right to keep and bear arms in public for self defense is not

"a 2nd class right, subject to an entirely different set of rules than the other Bill of Rights guarantees." If you do not stand by the Constitution, you do not belong in your position. We are a Constitutional Republic, not a democracy. The law clearly states "shall not be infringed [...]". the Constitution protects individual liberties from being abused by the government. A significant accomplishment of the Constitution was finding a means to agree on this basis of power. Any where you limit the ability to conceal carry makes the people in those locations, the most vulnerable. Gun owners are by far the most patriotic, responsible, and law abiding citizens. Criminals do not care about the law nor safe spaces. It only makes our community more vulnerable [...].

I am a law abiding citizen.

The 2nd Amendment protects my right to carry a firearm so that I may protect myself.

Bills like this do not support my rights as an

American Citizen.

Bills like this actively restrict my rights and the rights of all Americans.

These laws empower and encourage criminals.

The average police response time can be anywhere from 3 minutes to 15 minutes, by that time I could be beaten, raped or killed.

Do not restrict my ability to protect myself or my family.

It is your responsibility to encourage your citizens to protect themselves and their community.

Unless your goal is to make your citizens victims.

SB-685

Submitted on: 2/8/2023 7:32:29 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Samuel Webb	Individual	Oppose	Written Testimony Only

Comments:

I oppose, because if someone see's you cleaning a firearm, its a misdemeanor offense of brandishing a firearm.

SB-685

Submitted on: 2/8/2023 9:29:58 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

To whom it may concern,

I strongly oppose SB685. This bill would make people into criminals for simply brandishing a gun. Showing you are armed when confronted with an assailant is one way to end the situation without anyone getting hurt. For example, if someone drew their gun and the would be assailant runs away the person with the gun who was only trying to protect themselves would be guilty. In that situation it would be easy for an onlooker to say that the person with the gun was terrorizing the other person with their gun. Another example is say during a home invasion the home owner tells the intruder "get out, I have a gun". According to this bill, the home owner will be terrorizing the intruder by saying they have a gun. This bill will unnecessarily turn law abiding people into criminals for doing nothing wrong.

Thank you

SB-685

Submitted on: 2/8/2023 9:42:35 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
jorge Gonzalez	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to the proposed law and the way it is written. Brandishing a firearm should be limited to actually drawing a firearm on someone who wasn't threatening you or wasn't threatening you to warrant the use of deadly force.

SB-685

Submitted on: 2/8/2023 9:55:27 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Calay Flippo	Individual	Oppose	Written Testimony Only

Comments:

I Calay Flippo oppose SB685. There are too many variables that could lead to an unjust conviction. It is a law that is unconstitutional and prevents law abiding citizens from protecting themselves at all times. Most criminal acts could be quickly deterred just by someone having the ability to draw their firearm. Now you're basically making that illegal. Writing other laws to counter the Supreme courts ruling to allow citizens to conceal carry is just as unconstitutional as the "may issue" rule was. We need to start working together rather than fighting against each other. Law abiding citizens are not trying to make hawaii the wild west. We are just asking to leave our Constitutional rights alone. Thank you for your time.

SB-685

Submitted on: 2/8/2023 10:44:38 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I oppose this!

SB-685

Submitted on: 2/8/2023 10:56:36 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

SB-685

Submitted on: 2/8/2023 11:02:50 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Fred Delosantos	Individual	Oppose	Written Testimony Only

Comments:

How can carrying a gun within the confines of my own home be breaking the law? This is just ludicrous. Pants-on-head clown-shoes ridiculous. Please oppose SB685.

SB-685

Submitted on: 2/9/2023 12:09:02 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Bradd Haituka	Individual	Oppose	Written Testimony Only

Comments:

I am writing in opposition to this bill which is another attack on law abiding gun owners, and a waste of taxpayer dollars.

SB-685

Submitted on: 2/9/2023 12:35:15 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I oppose

SB-685

Submitted on: 2/9/2023 12:52:50 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Sheldon Miyakado	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose

SB-685

Submitted on: 2/9/2023 6:38:49 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I strongly oppose this bill

SB-685

Submitted on: 2/9/2023 7:07:34 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments: I oppose SB685.

SB-685

Submitted on: 2/9/2023 7:14:25 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I strongly oppose SB685. Just another useless law.

SB-685

Submitted on: 2/9/2023 8:57:39 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

The illegal use of a gun is criminal; this bill additionally prevents using the threat of a gun to threaten or intimidate a victim and merits strong support.

SB-685

Submitted on: 2/9/2023 9:02:09 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kanayama, Galen	Individual	Oppose	Written Testimony Only

Comments:

Oppose

SB-685

Submitted on: 2/9/2023 9:22:17 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Clifford Chee	Individual	Oppose	Written Testimony Only

Comments:

I have been a responsible firearms owner for over thirty-five years. I am very respectful of the law and would never intentionally break a law. This bill has the potential of turning many law-abiding citizens into law breakers. A verbal warning that a victim is carrying a firearm can be used to deter an assault, but in this case, would open the "good guy" into a law breaker.

Thank you for your public service.

SB-685

Submitted on: 2/9/2023 9:28:25 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Marks	Individual	Support	Written Testimony Only

Comments:

Chair and members - this common sense bill codifies common law assault in the context of threats implicating firearms. It is a bill that should advance.

Respectfully submitted,

Robert Marks

SB-685

Submitted on: 2/9/2023 9:32:53 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

Gun culture is averse to Aloha. I support this effort to elevate Aloha and deminish violence and the threat of violence.

SB-685

Submitted on: 2/9/2023 9:38:10 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Libby Tomar	Individual	Support	Written Testimony Only

Comments:

This is to support SB 685. We should not allow anyone to threaten that they have a gun in order to coerce someone to do something. This happened to me once and it scared me so much. Fortunately he backed off but still.

Thank you, Libby Tomar

SB-685

Submitted on: 2/9/2023 9:38:33 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

The illegal use of a gun is criminal; this bill additionally prevents using the threat of a gun to threaten or intimidate a victim and merits strong support.

I support this bill.

SB-685

Submitted on: 2/9/2023 9:45:14 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kanani Kai	Individual	Support	Written Testimony Only

Comments:

I support SB 685

SB-685

Submitted on: 2/9/2023 9:47:35 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I strongly support SB 685. Any legislation that deters gun use, gun violence, such as this one is absolutely necessary to keep our citizens safe and keep Hawaii the statistically lowest for gun violence in the nation.

The Supreme Court decision to loosen gun laws is egregious and many more lives will be lost across the country because of this decision. We know that less strict gun laws lead to increased gun violence. The United States, as a nation, is the embarrassingly, awful glaring example of that.

Bill 685 prevents using the threat of a gun, or pretending to have one, to intimidate or threaten an individual. It is my opinion this bill merits strong support.

Thank you for consideration of my opinions.



HAWAII FAMILY SUPPORT INSTITUTE
Making Hawaii's Families Strong

Executive Director

Gail F. Breakey

February 9, 2023

Advisory Board

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Senator Glenn Wakai, Chair Public Safety and Intergovernmental and Military Affairs

Senator Brandon Elefante, V.Chair Public Safety, Intergovernmental and Military Affairs

Re: SB 685

Dear Senators Wakai, Elefante and Members of the Public Safety and Intergovernmental and Military Committee

Consultants

Linda Coble

My name is Gail Breakey; I am the Director of the Hawaii Family Support Institute testifying **in strong support** of SB685, which forbids using your gun (or pretending to have one) to threaten or intimidate short of actually aiming at the person.

The illegal use of a gun is criminal; this bill additionally prevents using the threat of a gun to threaten or intimidate a victim and merits strong support.

Thank you for the opportunity to testify on this legislation,

Sincerely,

A handwritten signature in cursive script that reads 'Gail Breakey'.

Gail Breakey, RN, MPH Director
Hawaii Family Support Institute

SB-685

Submitted on: 2/9/2023 10:17:02 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
francine less	Individual	Support	Written Testimony Only

Comments:

The illegal use of a gun is criminal; this bill additionally prevents using the threat of a gun to threaten or intimidate a victim and merits strong support.

SB-685

Submitted on: 2/9/2023 11:07:50 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacob Holcomb	Individual	Oppose	Written Testimony Only

Comments:

This bill is exceptionally vague. There's already rules about concealed carry, and insisting someone does not brandish a gun on their own property is ridiculous. In a lot of places that's the best way to stop a conflict and get a dangerous person to leave when the police are too far away to immediately respond.

SB-685

Submitted on: 2/9/2023 11:53:02 AM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

This is an important protection. Threatening or intimidating with a gun, even pretending to be armed when not and threatening, should be a felony.

SB-685

Submitted on: 2/9/2023 12:01:54 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
karolle t. bidgood	Individual	Support	Written Testimony Only

Comments:

I support this bill and urge your committee to do the same.

Thank you.

SB-685

Submitted on: 2/9/2023 12:13:22 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I oppose this bill.

It is flawed and does not take into account self defense situations, being attacked and having to "brandish" a weapon to scare off an attacker, etc. It also makes a questionable enroachment in places where firearm owners are legally allowed to carry their guns such as at home.

Criminals can easily play the victim card and say a firearm owner brandished a weapon in self defense.

SB-685

Submitted on: 2/9/2023 12:19:48 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie L Tanner	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee Members,

RE: SB 685

As a former Hawaii public employee, school teacher and Mama Kahu, I write to plead your consideration to forbid people (usually men, young men) from using weapons to threaten or intimidate (short of actually aiming at the person).

I SUPPORT this BILL for Public Safety of children, ohana, communities and our state citizens:

1. Anyone with a gun, owning a gun, having a gun, IS WILLING TO USE IT. Just telling people you have a gun is a threat to anyone, like public employees (police, teachers), family members, another driver.

2. Using a gun is illegal, and more USA children are killed by weapons than any other cause in 1990-2023, and the death toll is growing. ILLEGAL USE OF GUNS IS A CRIMINAL OFFENSE, so we count on you, our policymakers, to protect and save US who do not own guns, threaten others verbally or physically or on social media.

PLEASE, BE PONO. PLEASE PREVENT THE THREAT OF A GUN, INTIMIDATING INNOCENT VICTIMS AND GIVE SB 685 YOUR FULL SUPPORT. GUN SAFETY AND REFORM MUST KEEP MAKING BABY STEPS TOWARD SANITY FOR OUR CIVILIZED SOCIETY, THAT SOLVES PROBLEMS WITHOUT GUNFIRE, MAIMING AND MURDER.

MAHALO, LAURIE TANNER, CONSTITUENT

SB-685

Submitted on: 2/9/2023 12:43:40 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Sue Hornik	Individual	Support	Written Testimony Only

Comments:

It's incredibly important to close this loophole and forbid anyone with a gun from using it to threaten or intimidate others. Having seen gun owners in other states show up to legislative events and hearings carrying their weapons with the intention of scaring legislators and opponenets, I really don't want to experiece that kind of terrifying intimidation here at any event.

SB-685

Submitted on: 2/9/2023 12:58:40 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Rik Rutt	Individual	Oppose	Written Testimony Only

Comments:

I am strongly opposed to SB 685. This measure will provide no added benefit to the community while allowing individuals to be charged with frivolous crimes. To threaten a person with a weapon is already a crime. This bill now allows for anyone who is merely seen with a weapon anywhere to be charged with a crime.

To “Indicates, by word or conduct, that the person is carrying a firearm” on its own does not necessarily a threat but under this law is a crime. Someone with a license to carry could tell their friend that they carry a weapon. A third party could overhear this conversation. According to this bill that individual that legally carries has committed a crime.

Also, in the bill it states, “THE RISK OF TERRORIZING, ANOTHER PERSON.” This is such a vague standard that leaves so much of its definition up to interpretation. Because of that it can and likely will be abused to harass and charge individuals who were in situations in which they had no intent to threaten or terrorize, merely because the other party had a differing opinion on firearms and the right to posses them. I hope that this committee uses logic and follows their oath and does not allow this bill to progress any further. Thank you.

SB-685

Submitted on: 2/9/2023 1:08:05 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

To whom this may concern:

I, Galen J. Pao would like to go on record as opposing SB685: Brandishing of firearm.

The language of this Bill is vague and will put law-abiding concealed carry permit holders at a huge disadvantage and risk of being charged with misdemeanors due to misinterpretation.

Please revise the language to include permitted actions in self defense situations and clarify actions in home defense situations where a clear warning is a sensible action that would deter a more serious outcome. Right now a clear warning seems to imply a terroristic act according to existing language proposed by the Bill.

Your consideration is greatly appreciated.

Galen J. Pao

SB-685

Submitted on: 2/9/2023 1:43:02 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

I strongly oppose SB685.

Thank you,

Robert Hechtman

SB-685

Submitted on: 2/9/2023 1:48:59 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Christine Weger	Individual	Support	Written Testimony Only

Comments:

Using a firearm in a way that threatens or intimidates another is a serious issue. People should be able to feel safe even though others want to carry guns. Please act favorably on this bill.

SB-685

Submitted on: 2/9/2023 2:09:49 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Tod Gushiken	Individual	Oppose	Written Testimony Only

Comments:

Oppose.

SB-685

Submitted on: 2/9/2023 2:31:15 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

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

Comments:

The illegal use of a gun is criminal; this bill additionally prevents using the threat of a gun to threaten or intimidate a victim and merits strong support. Please vote 'YES'!

SB-685

Submitted on: 2/9/2023 2:44:13 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Baldonado	Individual	Oppose	Written Testimony Only

Comments:

SB 685

I OPPOSE to measure SB685. I disagree with the wording of Section 1 Chapter 707(A). (A) can be interpreted in many ways and not clearly defined. "CONDUCT" should be more specific in its terms. Adjustment to a holster should not be classified as CONDUCT. The nature of Concealed comes with adjustments to keep concealed. while adjustment may be interpreted in various wayby different individuals, the wording selected should reflect the nature of concealed carry. I have carried into a restroom for a bowl movement and thus had to remove my concealed firearm and Holster(should not be interpreted as brandishing as the firearm is still holsters) as not to expose the view of the firearm and holster. Removal of the holster and firearm together should not be used as conduct.Wording needs more specific definition as well. The language of the measure need to include specific relief acceptable in daily life. I OPPPSE the current language of this measure.

SB-685

Submitted on: 2/9/2023 2:54:44 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Bernardo Soriano	Individual	Oppose	Written Testimony Only

Comments:

I oppose bill SB685. The language of the bill leaves room for subjective interpretation and therefore could be used against a law abiding citizen who is rightfully bearing arms and is trying to stop or prevent a potentially dangerous/violent attack from happening to themselves or a loved one. If one is even at their own home/property/place of business, this leaves room for criminals/assailants unjust cause to bring a case against the person who is trying to protect themselves or loved ones from a potentially violent/deadly crime when an uninvited person enters their premises

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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



RICK BLANGIARDI
MAYOR

ARTHUR J. LOGAN
CHIEF

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS

OUR REFERENCE JAT-DNK

February 10, 2023

The Honorable Glenn Wakai, Chair
and Members
Committee on Public Safety and
Intergovernmental and Military Affairs
State Senate
415 South Beretania Street, Room 225
Honolulu, Hawaii 96813

LATE

Dear Chair Wakai and Members:

SUBJECT: Senate Bill No. 685, Relating to Firearms

I am Joseph A. Trinidad, Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the intent of Senate Bill No. 685, Relating to Firearms, and submits the following comments and recommendations for your consideration.

This bill establishes a misdemeanor offense of brandishing a firearm. The violations described in this bill are established in the Hawaii Revised Statutes (HRS) Section 707-716, Terroristic threatening in the first degree, which is a class C felony. The HPD has concerns that the bill would provide confusion with enforcement and prosecution. The HPD has introduced House Bill No. 119 and Senate Bill No. 234, Relating to Firearms. These bills specifically address improper concealment regarding a person who is licensed to carry a concealed firearm.


The HPD appreciates the committee's consideration of our comments regarding Senate Bill No. 685, Relating to Firearms, and thanks you for the opportunity to testify.

APPROVED:

Sincerely,



Arthur J. Logan
Chief of Police


Joseph A. Trinidad, Major
Records and Identification Division

SB-685

Submitted on: 2/9/2023 3:41:48 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
davin asato	Individual	Oppose	Written Testimony Only

Comments:

To Whom It May Concern,

I am writing to encourage to opposition of SB685. Hawaii currently doesn't have a brandishing law. This bill could turn a law abiding citizen who is trying to defend themselves without having to use deadly force into a criminal for wanting to save a life but stop a crime in progress.

Please oppose SB685.

Thank you,

Davin Asato

LATE

SB-685

Submitted on: 2/9/2023 5:12:40 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Alan Miller	Individual	Oppose	Written Testimony Only

Comments:

I oppose the rule as written. I believe there should be a carve-out or stipulations in the law for a legal law abiding citizen (ccw holder) to brandish a firearm against an assailant as a first line of defense. This would be to threaten an attacker and attempt to stop a violent situation without having to shoot your firearm. Right now this current law Does Not have protections for this. And a CCW holder could be charged with a misdemeanor for unholsterong their firearm and stopping a violent confrontation even if they do not shoot.

SB-685

Submitted on: 2/9/2023 9:11:50 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

LATE

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

Comments:

I oppose SB685 due to the bill's lack of any exceptions to situations where brandishing a firearm in self-defense is not a crime. If a person reasonably believes that they are in imminent danger of death or serious bodily harm and the use of a firearm is necessary to protect themselves that should be stated in the bill. Thank you for your time.

SB-685

Submitted on: 2/9/2023 9:32:47 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

LATE

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

Comments:

I oppose SB685 due to the bill's lack of any exceptions to situations where brandishing a firearm in self-defense is not a crime. If a person reasonably believes that they are in imminent danger of death or serious bodily harm and the use of a firearm is necessary to protect themselves that should be stated in the bill. Thank you for your time.

LATE

Senator Glenn Wakai, Chair
Senator Brandon J.C. Elefante, Vice Chair
Committee on Public Safety, Intergovernmental, and Military Affairs
Hearing: Friday, February 10, 2023, at 3:05 p.m.
Regarding: **SB685 (Brandishing a Firearm; Misdemeanor)**
Voter Position: **OPPOSITION**

Senators of the PSM Committee,

I express my **opposition** to **SB685 (Brandishing a Firearm; Misdemeanor)**.

Ambiguity Does Not Produce Safety

brandish 1 of 2 verb

bran·dish (ˈbrɑn-dɪʃ)

brandished; brandishing; brandishes

[Synonyms of brandish >](#)

transitive verb

1 : to shake or wave (something, such as a weapon) menacingly

| *brandished* a knife at them

2 : to exhibit in an **ostentatious** or aggressive manner

| *brandishing* her intellect

Source: <https://www.merriam-webster.com/dictionary/brandish>

SB685's attempt to define brandishing doesn't even mirror the plain-English definition of brandishing. Instead, the measure seeks to carve out a broad misdemeanor charge for any inadvertent, non-intentional display of a firearm. A person's "conduct," for example, can be finessed to mean virtually any situation or interaction that the individual is engaged in, including a verbal conversation.

SB685 simultaneously seeks to make justifiable and intentional display a firearm a misdemeanor during any effort to reduce crime in-progress. In a life-or-death situation where a lawfully armed individual is under immediate jeopardy and seeks to deter a criminal from proceeding with an act of lethal violent force, the armed individual would be guilty of a misdemeanor during any presentation of their firearm to stop the threat. In the previous example presented, **SB685**'s proposed revision to **§707-__ Brandishing a firearm Section (1)**, Subsection **(b)** would punish the individual seeking to avoid death or other serious bodily injury during the temporary presentation of their firearm in response to a direct threat initiated by another individual.

SB685 Will Not Stop Other Criminal Activity

SB685 will only generate court battles for lawfully armed constituents and will not deter criminals from committing robberies, burglaries, or other brazen actions of violence against the public. Recent news coverage clearly demonstrates how criminals will use whatever means necessary to enact their will. Criminals don't even need a gun to endanger constituents in different senate districts throughout Hawaii.

HAWAII CRIME

Man arrested after stabbing at Honolulu Airport area

by: Sandy Harjo-Livingston
Posted: Jan 9, 2023 / 08:30 PM HST
Updated: Jan 12, 2023 / 12:50 PM HST



KHON2 FOLLOWS UP
CHARGES PENDING FOR STABBING SUSPECT
EMS: MAN, 23, STABBED AT RENTAL CAR FACILITY

Source: https://www.khon2.com/local-news/stabbing-at-honolulu-airport/?utm_source=khon_app&utm_medium=social&utm_content=share-link

Manoa robbery suspects wanted after assaulting homeowners, fleeing on foot



HAWAII NEWS NOW
SEARCH FOR MANOA HOME INVASION SUSPECTS
CALL 808-955-8300 WITH TIPS

Honolulu police are asking for your help with locating two males who are wanted for second degree robbery.

By HNN Staff

Published: Jan. 4, 2023 at 3:23 PM HST | Updated: Jan. 4, 2023 at 7:02 PM HST



Source: <https://www.hawaiinewsnow.com/2023/01/05/manoa-robbery-suspects-wanted-after-assaulting-homeowners-fleeing-foot/>

Intruder captured after allegedly attacking 77-year-old in her home

MILILANI HOME INVASION



Police in Hawaii say officers have arrested a suspect accused of beating a 77-year-old woman during a home invasion. (Source: KHNL)

By Allyson Blair

Published: Jan. 10, 2023 at 4:33 PM HST | Updated: Jan. 10, 2023 at 9:20 PM HST



Source: <https://www.hawaiinewsnow.com/2023/01/11/intruder-captured-after-allegedly-attacking-77-year-old-woman-her-mililani-home/?fbclid=IwAR1yGCETGefT0ZQHE77DBNmsy4wTvgRhEqHO0-oBhoI--nsEWXuA-YcFEPg&mibextid=Zxz2cZ#lcr3i2rsvi0fy1sayu>

HPD and witnesses: 'Crazed' suspect intentionally ran over woman pushing stroller in Walmart parking lot



By HNN Staff

Published: Feb. 1, 2023 at 10:11 AM HST | Updated: Feb. 1, 2023 at 5:27 PM HST

Source: https://www.hawaiinewsnow.com/app/2023/02/01/police-responding-apparent-assault-mililani-walmart-parking-lot/?fbclid=IwAR0U_2R5ixaaYhCIOXz19kG303j_vMK0CNE2IQ4nzFt1lq4dQHMPWaXBcaE#ldmiyfxq56mgty2mwq3

With 2 stolen cars recovered and an outpouring of support, this used car dealer has his hope restored



Police found another stolen car from a Kalihi used car lot that was broken into.

By [Mahealani Richardson](#)

Published: Feb. 9, 2023 at 4:06 PM HST | Updated: 28 minutes ago



Source: <https://www.hawaiinewsnow.com/2023/02/10/kalihi-car-dealer-grateful-after-police-find-two-stolen-vehicles/>

Back to the Basics

Members of the public are currently in danger due to unrestrained criminal activity. Now is the time to act upon curbing criminal activity by voting **NO** to **SB685** and focusing on legislation that enables law enforcement to stop robberies, burglaries, assaults, and home invasions.

Thank you for your time.

Respectfully,

Ryan C. Tinajero

Constituent of **Senate District 23**

LATE

SB-685

Submitted on: 2/10/2023 12:55:39 PM

Testimony for PSM on 2/10/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Gabriel Kekauoha	Individual	Oppose	Written Testimony Only

Comments:

i oppose this bill.