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STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT

Ka 'Oihana Ho'okō Kānāwai

715 South King Street
Honolulu, Hawaii 96813

TESTIMONY ON SENATE BILL 2346

RELATING TO FIREARMS

Before the Senate Committee on

Public Safety and Intergovernmental and Military Affairs

Friday, January 26, 2024; 3:00 p.m.

State Capitol Conference Room 225, Via Videoconference

Testifier: Michael Vincent

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

The Department of Law Enforcement (DLE) supports Senate Bill 2236 with recommendations.

This bill requires the DLE to conduct a voluntary firearm buyback program in each county of the State and makes an appropriation to conduct the required buybacks.

The DLE recommends \$825,000 for the appropriation.

The DLE also recommends removing subsection (b) of SECTION 2 of the bill which requires the DLE to ". . . adopt rules in accordance with Chapter 91, Hawaii Revised Statutes, to implement the firearm buyback program." The adoption of administrative rules to carry out a gun buyback program is not needed and will take a prolonged period of time to complete before any gun buyback program would be held. The DLE recognizes the need for accountability and recommends that a report to the Legislature would accomplish the goals of accountability to the Legislature and the community.

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



ON THE FOLLOWING MEASURE:
SB2346, RELATING TO FIREARMS.

BEFORE THE:
Senate Committee on Public Safety and Intergovernmental and Military Affairs

DATE: January 26th, 2024 **TIME:** 3:00 p.m. **LOCATION:** Conference Room 225

Chair Wakai and Members of the Committee

I am writing to provide a comment on behalf of myself and Hawaii Firearms Coalition on SB236.

Although we are against the concept of buyback programs due to their questionable effectiveness, we acknowledge the importance of providing a means for individuals to safely dispose of unwanted firearms. Therefore, we offer the following comments and suggestions, hoping they will be considered should this bill proceed.

First, I would like to outline the reasons for our opposition to buyback programs:

- **Questionable Effectiveness in Reducing Crime:** Buyback programs have not been proven to significantly impact crime rates, as the firearms typically surrendered are not those commonly used in criminal activities. Many surrendered firearms are old, broken, or otherwise unwanted. Notably, the majority of firearms turned in on Oahu were rifles, which are least likely to be used in crimes.
- **Cost and Resource Allocation:** The organization and funding of buyback programs are costly, diverting funds from potentially more effective uses. Recent buybacks on Oahu required substantial law enforcement resources, as well as expenses related to the purchase and disposal of the firearms.

- **Impact on Law-Abiding Citizens:** Buyback programs tend to attract law-abiding citizens rather than criminals, leaving the firearms most likely to be used in crimes in circulation. Moreover, individuals in lower-income communities, who may rely on firearms for self-defense, are often the ones to surrender their firearms for gift cards.
- **Symbolic Rather Than Substantive Change:** Without addressing deeper issues like illegal gun trafficking, gang violence, and socio-economic disparities, buyback programs serve more as symbolic gestures than real solutions to gun violence.
- **False Sense of Security:** Buyback programs can create a false sense of security by suggesting that a significant step has been taken towards reducing gun violence, while the underlying issues remain unaddressed. A serious examination of organized crime and gang violence in our communities is necessary for any real change to occur

Instead of a buy-back, we feel that a much better option would be an amnesty program that could operate in a similar method but would provide a year-round option for people to dispose of unwanted/needed firearms. We make the following recommendation for the proposed program.

Introduction to the Hawaii Continuous Firearms Amnesty and Accountability Act

In an effort to enhance community safety and reduce the prevalence of unsecured and unwanted firearms, We propose the Continuous Firearms Amnesty and Accountability Act. This pioneering legislation introduces a year-round, no-questions-asked program that allows individuals to surrender firearms in exchange for gift cards, ensuring anonymity and legal immunity for participants. The Act emphasizes not only the collection of firearms but also mandates a robust framework for accountability and transparency through regular reporting to the Attorney General's Office.

By providing a continuous, accessible avenue for firearm surrender, coupled with clear communication about the program's terms and the value of surrendered firearms, the Act aims to foster a safer environment for all Hawaii.

Section 1: Program Details

- The program operates year-round, offering a no-questions-asked, anonymous firearm surrender opportunity.

- All county police chiefs must put in place policies and procedures to accept the surrendering of unwanted firearms at any time during regular business hours.
- Firearms may be surrendered at any county police station or via collection by a police officer being called to a location to do so.
- Information about the program must be displayed at all county police departments and on any website operated by or for the police department.
- Individuals will not be required to provide identification or disclose information about themselves or the firearms but must state that they wish to surrender a firearm.
- Surrendered firearms will be exchanged for gift cards: \$200 for standard firearms and \$500 for short-barreled rifles, short-barreled shotguns, or automatic weapons.
- The program shall be funded through the state budget and potential federal grants.

Section 2: Reporting and Oversight

- Monthly Reporting: Each county's police department must submit a written report to the Attorney General's Office within 15 days of each month's end. This report should detail the number and types of firearms collected and the total cost incurred in the program.
- Annual Reporting: Additionally, a comprehensive annual report, including the same details, must be submitted within 15 days of the year's end.
- These reports aim to maintain transparency and allow for the assessment of the program's effectiveness and financial management.

Section 3: Participant Information and Legal Immunity

- Before accepting the surrender of a firearm, each individual shall receive a leaflet or flyer, which will include the following information:
 - Acknowledgment that the firearm is being turned in voluntarily.
 - Assurance of the program's anonymity and the individual's immunity from criminal prosecution regarding the firearm's previous ownership or use.
 - A statement indicating that the firearm might be of more value than the gift card amount and that other disposal options, potentially yielding more money, are available.

Section 4: Justification and Community Benefits

- The continuous availability of the program offers greater accessibility and flexibility, encouraging more individuals to participate.
- It contributes to public safety by continuously removing unsecured and unwanted firearms from the community and preventing potential misuse.
- The program's anonymity and legal immunity clauses are likely to build community trust and encourage participation.

- Regular reporting ensures accountability and helps in evaluating and improving the program's effectiveness.

Conclusion

We feel that implementing The Hawaii Continuous Firearms Amnesty and Accountability Act will not only reduce the number of unwanted firearms but also to ensure transparency and accountability in its execution. It provides a sustainable approach to enhancing public safety while respecting the rights and concerns of firearm owners.

If you have any questions or comments about our suggestions, I look forward to hearing from you.

Andrew Namiki Roberts
Hawaii Firearms Coalition
info@hifico.org

SB-2346

Submitted on: 1/23/2024 2:36:10 PM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

Gun buy-back are great ways for criminals to dispose of evidence. Such programs dupe the ignorant. We don't have a problem with the number of guns, we have a problem with the number of criminals and how easily they escape prosecution and continue to committ criminal acts. Buy-backs are a waste of public money by those officials who seek publicity without taking action to reduce crime.

SB-2346

Submitted on: 1/23/2024 10:05:53 PM

Testimony for PSM on 1/26/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael EKM Olderr	Individual	Support	Written Testimony Only

Comments:

I support this measure. Aside from banning assault rifles, background checks, ammunition tracking, or any other common-sense gun laws, I believe that this is a good counter to gun violence.

SB-2346

Submitted on: 1/24/2024 7:26:42 AM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

I **oppose** this Bill.

SB-2346

Submitted on: 1/24/2024 8:48:15 AM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

Our tax dollars should be spent keeping career criminals behind bars so they won't use firearms to commit more crimes.

There is no data that shows after a buy back that gun related crimes were reduced. And if you look at the guns that are turned in, majority are wooden type of guns that criminals don't use.

Instead of hosting buy backs that happen on specific dates, HPD should have a 24/7 amnesty program that anyone can turn in a firearm without fear of prosecution for what ever reason.

SB-2346

Submitted on: 1/24/2024 10:47:16 AM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

I disagree with the assertion that Gun Buybacks work to reduce gun related crimes, and there has been no evidence to show as such.

Typically a criminal will either dump, or resell their gun after using it in a crime, usually to whoever they bought it from. Though some have used buybacks as a means to dispose of evidence by turning in guns that are ‘too hot’ for them to resell.

There has also been some controversy about buybacks recently, where parts from firearms that were supposedly destroyed after a buyback were found intact after the contractor responsible disassembled the firearms and legally resold parts. This isn’t counting other incidents where contractors and even law enforcement officers have marked such firearms as destroyed, then turned around and sold them on the black market.

The only reason I don’t stand in opposition to this bill is that it does offer a method for those who inherit firearms from a family member or loved one who have no idea what to do with them a means to safely dispose of them. However this often causes guns with historic provenance to be destroyed or be turned in for a petty fraction of what their worth is. Thus, I would like to propose the following changes:

- 1) Advertise and offer a year round turn in where the public can turn in firearms in their possession to their Police Department’s Headquarters.
- 2) The Police Department will take custody of the firearms and check to make sure they are legal and not connected to a crime.
 - a) should the firearm in question be connected to a crime or is otherwise illegal, they will be given whatever the standard payout is for the firearm turn in and the Police will properly dispose of the firearm.

b) should the firearm in question be otherwise legal to sell, Police will maintain custody of the firearm and provide information to the possessor on how to sell the firearm to a Federal Firearms Licensee (gun store). Once the Possessor finds a FFL willing to purchase the firearm and is processed, Police will turn over the firearm directly to the FFL and the FFL will pay the Possessor.

SB-2346

Submitted on: 1/24/2024 11:30:52 AM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

Buybacks are an ineffective waste of taxpayer money. Even the people who wrote the bill will admit this. Maybe if government was smaller people paid less on taxes/regulations they could afford to hire more employees at decent wages and we would have less crime.

SB-2346

Submitted on: 1/24/2024 12:19:56 PM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

there is no evidence that gun buybacks work

please spend your time and maney enforcing laws that are already on the books

and catch criminals and KEEP THEM IN JAIL

SB-2346

Submitted on: 1/24/2024 12:51:35 PM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

I oppose this bill. there is no evidence that supports gun buyback programs significantly reduce violent crimes. to allocate already scarce financial resources as well as an understaffed HPD to something that is unproven will be a waste of taxpayer's money. Money that may be better allocated to improving or addressing the root cause of violence to begin with - mental health and healthy family dynamics. thanks for taking the time to read my written testimony.

SB-2346

Submitted on: 1/24/2024 1:43:46 PM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

I am opposed to this 'buy back' program as the weapons turned in are usually inherited firearms that have far greater value than what the State is paying. I would support if the State would pay fair market value for items turned in. Otherwise, this is just taking advantage of people.

SB-2346

Submitted on: 1/24/2024 3:34:55 PM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

I oppose this proposed bill.

The stated purpose of the bill is use gun buy-backs to reduce gun violence. Gun buy backs have not been demonstrated to significantly reduce gun violence. A better use of the desired funding would be to allocate it towards mental health or suicide prevention programs, which can have an impact in reducing gun-related deaths.

SB-2346

Submitted on: 1/24/2024 5:22:19 PM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

please oppose SB2346. Gun Buy-Backs are a terrible waste of tax-payer money, the state of Hawaii is already darn-near broke, and Gun Buy-Backs do not reduce crime. Not one iota. No criminal in their right mind is going to redeem a functioning gun for money.

this is the classic "lose money" scheme, if ever there was one.

please exercise sound fiscal stewardship of taxpayer money, my money, and everybody else's money.

SB-2346

Submitted on: 1/24/2024 6:02:53 PM

Testimony for PSM on 1/26/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Randy Cheung	Individual	Oppose	Written Testimony Only

Comments:

I oppose "Gun buyback" events. We do not need them.

Law abiding citizens with legitimate reasons for turning in firearms to HPD should be allowed to do so at any time. Or better yet, they should sell their firearms on the secondary market to other law abiding citizens for fair market value.

Public funds should not be used to bribe people into turning in firearms. It is merely for show and to be politicized. We have seen a spate of gun crimes in the months following the latest gun buyback. Clearly it has not done anything to stop gun related crimes. Shame on anyone trying to organize more gun buybacks under the guise that its helping anything.

Amnesty should absolutely never be offered. We need to punish criminals, not shower them with hundreds of dollars of gift cards. CRIME DOES NOT PAY. If you start paying for crime, expect more crime.

SB-2346

Submitted on: 1/24/2024 7:46:36 PM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

The bill claims this program was a success. Research into these kinds of programs disagrees. It is a waste of money on programs with no demonstrable change in crime statistics. Please spend my money on social improvements that improve society, rather than trying to prevent the symptoms of the dysfunction that our laws have created.

SB-2346

Submitted on: 1/25/2024 2:12:02 AM

Testimony for PSM on 1/26/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Kaneshiro, Jr.	Individual	Oppose	Written Testimony Only

Comments:

I oppose gun buy backs especially when using tax payers monies to do so.

mahalo

SB-2346

Submitted on: 1/25/2024 3:01:53 AM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

If I were running the program, I would have some knowledgeable volunteer community members inspect the guns before destruction.

The reason for that is to try to prevent some possibly valuable piece of historical significance from being destroyed.

It would be the same thing as having an archeological survey done before bringing in bulldozers to build another Walmart.

<https://www.hawaiinewsnow.com/story/1741983/remains-at-wal-mart-site-to-be-reburied/>

This a common practice here.

If a piece were found to be particularly valuable, it could be sold to benefit the family that turned it in or the proceeds from the sale could be used to finance another turn-in event.

King Kalakaua's rifle was on display at the Bishop Museum.

Some historic guns are on display at Iolani Palace. Some are on display at the US Army Museum in Waikiki.

<https://www.hawaiianairlines.com/hawaii-stories/hana-hou/articles/issue-26-6/the-guns-of-yesteryear>

I don't see the harm in this "turn-in" program, except for the cost.

I would not call it a "buy-back" though. The term "Buy-Back" implies that the government or police sold it first.

That's just plain incorrect and it gives the wrong impression to the public.

SB-2346

Submitted on: 1/25/2024 7:07:31 AM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

I OPPOSE allocating taxpayers money to buy personal property. Any individual who desires to forfeit can already submit firearms at HPD for free.

SB-2346

Submitted on: 1/25/2024 7:14:53 AM

Testimony for PSM on 1/26/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alex Akui	Individual	Oppose	Written Testimony Only

Comments:

Opposed

SB-2346

Submitted on: 1/25/2024 7:43:08 AM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

Oppose this bill. Will do nothing to prevent crime. Criminals will not turn in their guns.

Sincerely

Gavin Lohmeier

SB-2346

Submitted on: 1/25/2024 7:52:07 AM

Testimony for PSM on 1/26/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jon Abbott	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to buy back programs since they do little to deter criminals. Rather, there should be a permanent amnesty for people who turn in firearms of any type.

SB-2346

Submitted on: 1/25/2024 11:11:55 AM

Testimony for PSM on 1/26/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bryston Tanigawa	Individual	Oppose	Written Testimony Only

Comments:

An absolute waste of time and money. Criminals are not turning in firearms and instead of wasting taxpayer money you should make it easier for people to register their firearm so that they can sell it at the correct price to someone who wants to purchase a firearm.

SB-2346

Submitted on: 1/25/2024 12:04:43 PM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

I strongly oppose this bill. It has no effect on so called gun violence, there is no evidence. All it is doing is wasting tax payers money plain and simple.

SB-2346

Submitted on: 1/25/2024 12:21:25 PM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

I STRONGLY OPPOSE; “Firearm buyback program” would entail that the Department of Law Enforcement sold the firearms in the first place. Does the Department of Transportation “buyback” vehicles that because they MAY be used in an accident?

I DO NOT approve of my tax paying funds to be used by ANY government department to “buyback” consumer goods.

SB-2346

Submitted on: 1/25/2024 2:21:09 PM

Testimony for PSM on 1/26/2024 3:00:00 PM

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

Comments:

I strongly oppose SB2346!

The recent Cato institute study has published the conclusion to their research " we found no evidence that GBPs are effective at deterring gun crime in either the short-or long-run"

This is a waste of taxpayers money.

Futhermore the government cannot "buy back" something they never owned in the first place.

Therefore I strongly oppose bill SB2346!

SB-2346

Submitted on: 1/25/2024 2:58:38 PM

Testimony for PSM on 1/26/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Todd Yukutake	Individual	Comments	Remotely Via Zoom

Comments:

I agree with the intent of this bill to give people an easy way to remove unwanted guns without fear of prosecution or interrogation. However I disagree with using taxpayer money to fund the program. People want the peace of mind and gift cards or other compensation is not necessary. I propose changes that accomplishes all of these things in a better way.

1. **Allow gun stores to accept the firearms at anytime.** This allows for convenient drop off of the firearms anywhere in the State and people would not being intimidated having to turn them into law enforcement.
2. **The gun stores can offer to resell the firearm or turn them into police.** This gives the stores the incentive to participate in the program while offering the person more money for their firearm and prevent destruction of a useful item. Or the person can just drop off the firearm with no questions asked and the gun store can then give the firearm to police.
3. **Enact into law that amnesty will be granted with the voluntary turn in of the firearm.**
4. **Enact into law that stolen firearms will be returned to their registered owner.**

Please consider these recommendations.

Mahalo

Todd Yukutake

toddykutake@gmail.com

(808) 255-3066

LATE

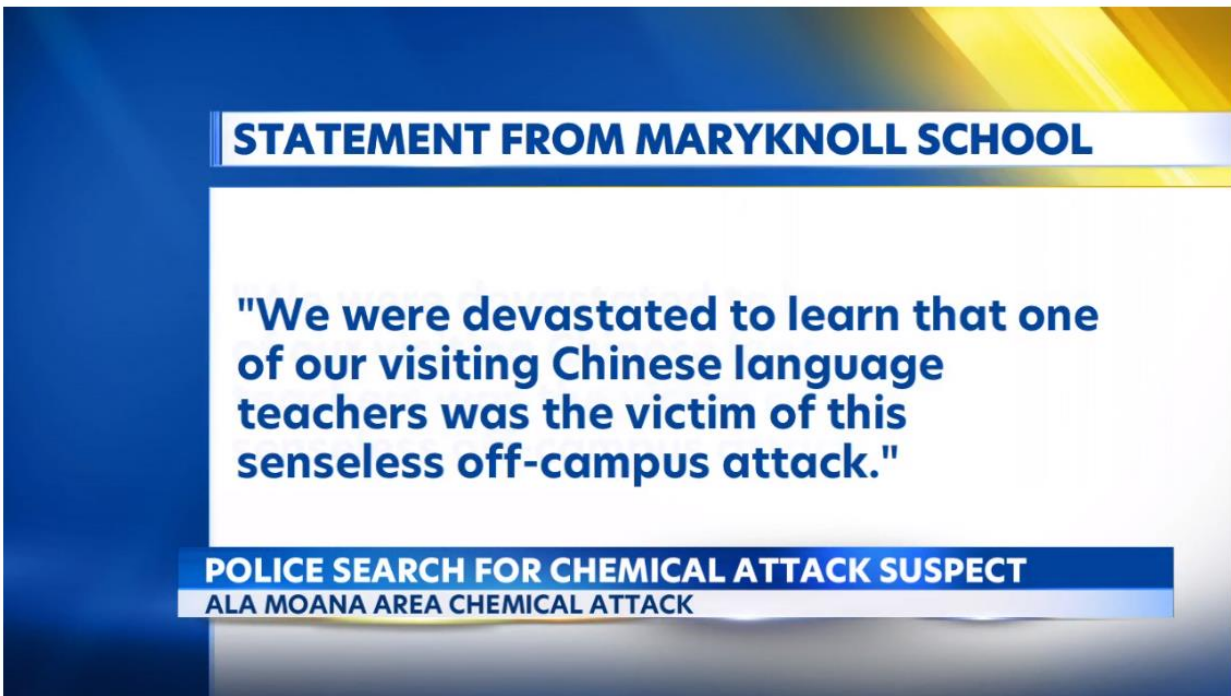
Senator Glenn Wakai, Chair
Senator Brandon J.C. Elefante, Vice Chair
Committee on Public Safety, Intergovernmental, and Military Affairs
Hearing: Friday, January 26, 2023, at 3:00 p.m.
Regarding: **SB2346 (Relating to Firearms)**
Voter Position: **OPPOSITION**

Senators of the PSM Committee,

I express my **opposition** to **SB2346 (Relating to Firearms)**.

You Can't Buyback Something Never Purchased by You

SB2346 incorrectly suggests that a politicized “voluntary firearm buyback program” reduces criminal activities involving firearms. The so-called “voluntary firearm buybacks,” which are erroneously named, only involve persons wishing to dispose of unwanted firearms. Criminals will continue to utilize any tools of opportunity within their local communities as long as the criminals are not secured in correctional facilities or otherwise apprehended by law enforcement officials. Violent criminal acts, by objective definition, don't require the use of a firearm, and can occur via any medium via any perpetrator, as recently demonstrated by the January 23, 2024 acid attack that occurred in the Ala Moana area:



Police have released photos and surveillance footage of the suspect wanted for throwing a chemical liquid into a woman's face near Ala Moana Center Tuesday night.

Source: https://www.kitv.com/news/crime/photos-video-released-of-suspect-in-chemical-attack-in-ala-moana-area/article_54f2a23a-bbbc-11ee-80e8-475af14c1553.html#tncms-source=block-contextual-fallback2

In other parts of the island, perpetrators of violence do not care if they face non-law enforcement citizens or not. They'll use whatever they have against whoever stands against their criminally-bent will. "Buying back" a firearm won't magically stop all violent incidents like yesterday's violent attack in Makaha. If violence reduction and public safety are true priorities of the Hawaii State Legislator, then the corresponding full-spectrum of countermeasures to violence and detriments to public safety need to be prioritized and funded. The occasional sensationalized "voluntary firearm buyback" events won't stop the next hand-to-hand assault, the next acid attack, the next blunt-force trauma attack, the next stabbing, or the next act of arson, which are all acts of violence. Narrowly focusing on one threat vector such as firearm crimes and parading a self-declared success does not automatically constitute enhancement of public safety.



Source: https://www.khon2.com/local-news/hpd-investigation-closes-farrington-hwy-in-makaha/?utm_source=khon_app&utm_medium=social&utm_content=share-link

Using the term "voluntary buyback" is an incorrect assertion since the local state government did not perform the labor that allows a firearm to be "bought back" at all. Moreover, the appropriated funds used to acquire the surrendered firearms within the proposed bill are derived from the tax payers. If the funds were derived from individual legislators and individual supporters of this bill as part of a privatized mass purchase of voluntarily surrendered firearms, then, the term, buyback may be utilized since there is a private pool of funds being used. That is not the case with **SB2346**, which expressly uses public funds.

SB2346 furthermore does not articulate how surrendered arms will be appraised properly. The public is being persuaded to blindly trust that all of the individuals that surrender firearms will be properly compensated without articulating how such valuation would be defined.

For the reasons stated above, there is no reasonable means for me to support this proposed bill.

Thank you for taking the time to review this testimony.

Respectfully,

Ryan C. Tinajero

Constituent of **Senate District 23**