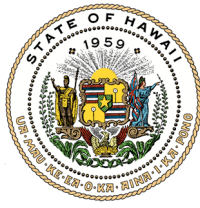


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



MIKE LAMBERT
DIRECTOR

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'okō Kānāwai
715 South King Street
Honolulu, Hawaii 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

TESTIMONY ON HOUSE BILL 137, HOUSE DRAFT 1
RELATING TO FIREARMS
Before the Senate Committee on
PUBLIC SAFETY AND MILITARY AFFAIRS
Wednesday, March 19, 2025, 3:00 PM
State Capitol Conference Room 225 & Videoconference
Testifiers: Mike Lambert

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

The Department of Law Enforcement (DLE) supports House Bill 137, House Draft 1. This bill amends Hawaii Revised Statutes Section 134-7 to provide that violent felons who violate the prohibition against owning, possessing, or controlling a firearm or ammunition are subject to a mandatory prison term.

The DLE believes this measure represents a critical enhancement to our firearms regulations that directly supports public safety efforts. Individuals who have committed violent felonies and subsequently illegally possess firearms pose a significant risk to public safety. The mandatory imprisonment provision creates a stronger deterrent for those who might otherwise disregard current prohibitions and provides law enforcement with an additional tool to keep dangerous weapons out of the hands of those with violent criminal histories.

Current law already prohibits firearm possession by felons, but this bill's mandatory sentencing component addresses the serious nature of violations specifically by violent offenders, who statistically present a heightened risk of recidivism with firearms. By classifying these violations as Class B felonies with mandatory prison terms, the legislation appropriately reflects the severity of the offense and the danger posed to the community.

The DLE is committed to reducing gun violence in Hawaii, and this legislation aligns with our priorities of keeping firearms out of the hands of those legally prohibited from possessing them, particularly those with violent histories.

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

JON N. IKENAGA
STATE PUBLIC DEFENDER

DEFENDER COUNCIL
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SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
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FAMILY COURT DIVISION
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STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

HAYLEY Y.C. CHENG
ASSISTANT PUBLIC DEFENDER

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Testimony of the Office of the Public Defender to Senate Committee on Public Safety and Military Affairs re:

HB 137, HD 1 Relating to Firearms

Chair: Sen. Brandon J. C. Elefante, Vice Chair: Sen. Glenn Wakai and Members of the Committee:

The Office of the Public Defender respectfully **opposes HB 137, HD 1 regarding the mandatory sentencing provision:**

HB 137, HD 1 seeks to amend HRS section 134-7 (j) by adding the following language:

“the defendant shall be sentenced to an indeterminate term of imprisonment as provided by law”.

With this added language, any person convicted of this offense will be sentenced to an indeterminate term of 10 years of imprisonment with no opportunity for probation. The OPD understands that this bill hopes to deter felons from possessing firearms or ammunition, but this bill could have persons that do not need to be incarcerated placed into prison. A judge is in the best position to determine if any convicted defendant needs to be incarcerated. A mandatory sentencing scheme does not allow for consideration of the uniqueness of each case in determining the appropriate sentence. Furthermore, the argument that mandatory sentencing deters crime is not valid, as our overcrowded prisons can so attest.

Please consider the following scenario: at 18 years of age, a person takes a baseball bat and threatens to hit someone with it, because of a dispute involving their family

member and another person. Said 18-year-old is convicted of Terroristic Threatening in the First Degree (a felony and a crime of violence) and is sentenced to probation which is completed without any difficulty. Ten years later, the same person goes hunting with friends, and during the hunt, borrows a rifle to take down a wild boar. Though the hunting was legal, said person is spotted by a DOCARE officer who investigates the hunt, and subsequently arrests said person under HRS 134-7 (j) as amended by HB 137, HD 1, which results in a ten-year prison sentence. The purpose of HB 137, HD 1 should not be to incarcerate the person described above, but instead to incarcerate dangerous felons that commit crimes with firearms that put the community in danger. This can only be accomplished by allowing a judge the discretion to decide when jail is necessary and when it is not. Mandatory sentencing, which removes discretion from judges, is the same as limiting a doctor to one method of treatment for any given disease.

As written, this bill would invite costly litigation as does any law requiring mandatory sentencing, because defendants, so charged, would have no choice but to fight their cases through the trial and appellate courts. Furthermore, it will lead to added costs for the long-term incarceration of individuals that may not need such punishment. Current law allows a trial judge to use their well-placed discretion in sentencing matters under HRS 134-7(j). This bill would remove that well placed discretion and would unnecessarily overburden our legal and public safety systems.

Thank you for the opportunity to comment on this measure.

**DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU**

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STEVEN S. ALM
PROSECUTING ATTORNEY
LOIO HO'OPI'I



THOMAS J. BRADY
FIRST DEPUTY PROSECUTING ATTORNEY
HOPE MUA LOIO HO'OPI'I

**THE HONORABLE BRANDON J.C. ELEFANTE, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i**

March 18, 2025

RE: H.B. 137 H.D. 1; RELATING TO FIREARMS

Chair Elefante, Vice Chair Wakai, and members of the Senate Committee on Public Safety and Military Affairs, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony **in support** of H.B. 137.

H.B. 137 mandates imprisonment for convicted felons who illegally possess firearms if the predicate felony is a crime of violence as defined under Chapter 134. Convicted felons do not have a constitutional¹ or statutory² right to possess firearms. This prohibition aligns with the original public meaning of the Second Amendment.³ Hawai'i case law already provides a justification for felons who use firearms in immediate defense of self or others.⁴

¹ *District of Columbia v. Heller*, 554 U.S. 570, 626-27 (2008) (“Although we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as a schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.”). *See also New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 26 (2022) (observing that the Second Amendment right grants the right to use arms to law-abiding, responsible citizens).

² HRS § 134-7(a), (b). *See also* 18 U.S.C. § 922(g).

³ *See United States v. Diaz*, 116 F.4th 458, 468 (5th Cir. 2024) (upholding felon-in-possession prohibition for convicted thief by observing that American colonial laws authorized the death penalty for theft).

⁴ *State v. Padilla*, 114 Hawai'i 507, 513, 164 P.3d 765, 771 (App. 2007) (“A defendant whose possession of a firearm would otherwise be unlawful is justified in temporarily possessing a firearm where such possession is immediately necessary to protect the defendant or another from serious physical harm.”).

Violent felons who acquire firearms pose an overwhelming threat to the community. Mandatory imprisonment is a reasonable and proportionate response to a dangerous pattern of law-breaking. This bill still allows individual consideration of minimum sentences at the parole board. It simply disqualifies armed felons from receiving probation.

The Department urges this Committee to pass H.B. 137.

Thank you for the opportunity to testify.

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

SHANNON M. KAGAWA
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL NO. 137 H.D. 1

A BILL FOR AN ACT RELATING TO FIREARMS

**COMMITTEE ON
PUBLIC SAFETY AND MILITARY AFFAIRS**
Senator Brandon J.C. Elefante, Chair
Senator Glenn Wakai, Vice Chair

Wednesday, March 19, 2025 at 3:00 p.m.
Via Videoconference and
State Capitol Conference Room 225
415 South Beretania Street

Honorable Chair Elefante, Vice-Chair Wakai, and Members of the Committee on Public Safety and Military Affairs. The County of Hawai‘i, Office of the Prosecuting Attorney submits the following testimony in support of House Bill No. 137, H.D. 1.

House Bill No. 137, H.D. 1. provides that violent felons that are in violation of the prohibition against owning, possessing, or controlling a firearm or ammunition are subject to a mandatory prison term. Currently, a felon convicted of illegally possessing a firearm or ammunition is often eligible for probation, unless his or her prior felony conviction was an enumerated offense within a limited, defined look-back period for the repeat offender enhancement under Section 706-606.5, Hawai‘i Revised Statutes (“HRS”).

Consistent crime trends indicate that a significant number of firearms-related offenses are committed by individuals who are prohibited from legally owning and possessing firearms and ammunition. According to the Hawai‘i Police Department (“HPD”), a total of 196 criminal investigations were initiated under violations of HRS Section 134-7 (Ownership, possession, control prohibited) between 2022 and 2024, resulting in 315 offenses charged.

There is substantial support for this legislation. In December 2021, our Office conducted a 14-question online survey, including relevant background information, which discussed proposed legislative initiatives. A total of 1,422 individuals participated and 86.34% (1,226) indicated that they supported legislation for harsher penalties for persons convicted of being a felon in possession of firearms or ammunition, including being subject to a mandatory prison term. In December 2022, we conducted another online survey. A total of 674 individuals participated and 79.97% (535) indicated that persons convicted of being a felon in possession of firearms should be sentenced to a mandatory prison term and not eligible for probation.

Currently, felons who have been convicted of serious crimes are legally prohibited from owning or possessing firearms due to their past offenses. However, despite our existing laws, too many individuals with a serious criminal history continue to access firearms and engage in dangerous, unlawful activities, placing both themselves and society at risk. A mandatory prison term for felons in possession of firearms would help address this alarming trend.

A firearm in the hands of a convicted felon is a recipe for disaster for the safety of our communities. Felons, especially those convicted of violent crimes, have already demonstrated disregard for the law and are at an increased likelihood of reoffending. Each felon was told by a judge at sentencing that they were prohibited from possessing firearms or ammunition, and there is no excuse for those who choose to ignore this simple order and seek out a firearm anyway.

One of the strongest arguments for the passage of House Bill No. 137, H.D. 1 is the deterrent effect. When felons understand that possessing a firearm will result in a significant and unavoidable sentence, they will be less likely to do so. House Bill No. 137, H.D. 1 makes it clear that society will not tolerate reckless actions and that there are real, serious consequences for breaking this rule. A mandatory prison term would deter felons from attempting to carry or use a weapon, knowing the inevitable punishment.

A mandatory prison term would also enhance the consistency and fairness of the criminal justice system. We cannot afford disparities in sentencing for the same crime, especially for a crime that directly impacts public safety. A mandatory prison term ensures that offenders will be held accountable, regardless of their background or circumstances, and removes the possibility of leniency based on bias or other factors that may unduly influence sentencing.

Critics often argue that mandatory prison terms result in overly harsh sentences or reduce the ability for judges to exercise discretion. There is a place for discretion, and judges play an important role in ensuring justice, but the reality is that felons with firearms pose a serious risk to society and are a menace to public safety. Those convicted of this offense have shown repeatedly that they will not follow our laws. A mandatory prison term strikes the appropriate balance, by setting clear guidelines for a felony crime that directly impacts public safety. House Bill No. 137, H.D. 1 does not entirely remove discretion in sentencing, as the Hawai'i paroling authority would still set the minimum length of imprisonment in accordance with Section 706-669, HRS. The bill simply ensures that those who commit the specific offense of felon in possession of a firearm face the consequences of their actions.

Although our Office believes that a provision applicable to all felons would be more appropriate, as the limitation to "violent" felons, prohibits the inclusion of other serious felony offenders such as narcotics dealers or those who have prior firearms offenses.

The need for House Bill No. 137, H.D. 1 is clear. By implementing such a law, we can better protect our communities, deter violent crime, and enhance the consistency of our criminal justice system. It is imperative that we take decisive steps to address this issue for the safety of all citizens. For the foregoing reasons, the County of Hawai'i, Office of the Prosecuting Attorney

supports the passage of House Bill No. 137, H.D. 1. Thank you for the opportunity to testify on this matter.

SHOPO



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS

Robert Cavaco
State Board President

" A Police Organization for Police Officers Only "
Founded 1971

Term of Office
1-2022 to 12-2025

March 17, 2025

The Honorable Brandon J.C. Elefante, Chair
The Honorable Glenn Wakai, Vice Chair
Senate Committee on Public Safety and Military Affairs
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: **HB 137 HD1 – Relating to Firearms**

Dear Chair Elefante, Vice-Chair Wakai, and Honorable Committee members:

I serve as the President of the State of Hawaii Organization of Police Officers ("SHOPO") and write to you on behalf of our Union in support of HB 137 HD1, which seeks to amend Hawaii Revised Statutes § 134-7 such that any felon found in violation of the prohibition against owning, possessing, or controlling a firearm or ammunition shall be guilty of a class B felony and subject to a mandatory prison term. SHOPO is dedicated to advocating for policies that protect our officers and the communities they serve. HB 137 HD1 aligns with our mission by addressing a critical issue that directly impacts the safety and well-being of both law enforcement personnel and the public. It is our sincere hope that the passage of this bill will significantly contribute to reducing gun-related incidents and enhancing the overall security of our state.

HB 137 HD1 underscores the seriousness of firearm-related offenses and aligns with our commitment to reducing gun violence. By imposing stricter penalties on felons who unlawfully possess firearms, HB 137 HD1 serves as a deterrent to potential offenders. The mandatory prison term acts as a significant disincentive for felons considering the illegal possession of firearms. The proposed legislation also enhances the safety of county law enforcement officers and the general public by reducing the likelihood of firearms being in the hands of those with a proven history of criminal behavior. This is particularly crucial for our officers who face the daily risk of encountering armed felons. By targeting the illegal possession of firearms by felons, HB 137 HD1 ensures that individuals who have demonstrated a disregard for the law are held accountable, thereby promoting a safer environment for all residents of Hawaii. For these reasons, SHOPO is in support of this proposed legislation.

Thank you for considering this testimony. We are committed to working with the legislature to ensure the successful implementation of HB 137 HD1.

Respectfully submitted,
ROBERT CAVACO
SHOPO President

RC: ja

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HB-137-HD-1

Submitted on: 3/14/2025 5:24:21 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

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

Comments:

I support this bill. A violent felon in possession of a firearm is a dangerous combination. Prison is an appropriate penalty when they are unable to conform their behavior to avoid possession of firearms.

Thank you for consideration of my testimony

Ellen Carson

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Fern Holland
Arryl Kaneshiro



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kauai, Hawaii 96766

March 17, 2025

**TESTIMONY OF ADDISON BULOSAN
COUNCILMEMBER, KAUAI COUNTY COUNCIL**

ON

HB 125, HD 1, RELATING TO FIREARMS

HB 137, HD 1, RELATING TO FIREARMS

HB 392, HD 1, RELATING TO FIREARMS

Senate Committee on Public Safety and Military Affairs

Wednesday, March 19, 2025

3:00 p.m.

Conference Room 225

Via Videoconference

Dear Chair Elefante and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 125, HD 1, HB 137, HD 1, and HB 392, HD 1, Relating to Firearms. My testimony is submitted in my individual capacity as a member of the Kauai County Council.

I wholeheartedly support the intent of HB 125, HD 1, HB 137, HD 1, and HB 392, HD 1, which would greatly affect the Kauai community.

Thank you again for this opportunity to provide testimony in support of HB 125, HD 1, HB 137, HD 1, and HB 392, HD 1. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

ADDISON BULOSAN
Councilmember, Kauai County Council

JY:mn

HB-137-HD-1

Submitted on: 3/17/2025 12:44:13 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lorna Holmes	Individual	Support	Written Testimony Only

Comments:

This is one of the least things we can do, taking guns away from felons, and we certainly should do it. Please pass this measure.

Mahalo for your attention,

Dr. Lorna Holmes, Honolulu 96817

HB-137-HD-1

Submitted on: 3/14/2025 6:07:34 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bronson Teixeira	Individual	Oppose	Written Testimony Only

Comments:

Aloha members, i stand in opposition to this bill but otherwise would support this bill if it would clarify that it would only be aimed towards and effect violent felons. There is a case stateside that seeks to restore the second amendment rights of non-violent felons.(Range v.s. United States)

Mahalo.

HB-137-HD-1

Submitted on: 3/15/2025 4:14:33 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Dedely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill!

HB-137-HD-1

Submitted on: 3/15/2025 4:18:07 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
kamakani de dely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill!

HB-137-HD-1

Submitted on: 3/15/2025 4:20:05 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mallory De Dely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill!

HB-137-HD-1

Submitted on: 3/15/2025 8:04:16 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael A. Cobb Jr	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this measure. We have enough laws. The legislature needs to stop trying to make life more difficult.

HB-137-HD-1

Submitted on: 3/16/2025 11:48:56 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

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

Comments:

Dear Honorable Legislative Representative,

I am submitting this testimony in strong opposition of HB137 HD1 as we already have statues making it illegal for felons to be in possession and ownership of any firearms. This is a redundant bill.

Sincerely,

David Fukuzawa, SAS-5 Dept of Public Safety, Retired

HB-137-HD-1

Submitted on: 3/18/2025 7:46:12 AM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sarah-Lyn Lokelani Jacobson	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE THIS BILL

HB-137-HD-1

Submitted on: 3/18/2025 8:14:13 AM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robin D. Ganitano	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB137 which is clearly unconstitutional and against our 2nd Amendment rights.

HB-137-HD-1

Submitted on: 3/18/2025 8:42:46 AM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shani Hough	Individual	Oppose	Written Testimony Only

Comments:

This locks up felons longer for gun possession, fuels anti-2A tyranny!

HB-137-HD-1

Submitted on: 3/18/2025 9:14:10 AM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joelle Seashell	Individual	Oppose	Written Testimony Only

Comments:

Mind your business, get out of our lives. You're trying to do to much. This right shall not be infringed.

HB-137-HD-1

Submitted on: 3/18/2025 9:16:19 AM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Frank Barber Jr	Individual	Oppose	Written Testimony Only

Comments:

The Second Amendment to the United States Constitution protects the right of the people to keep and bear arms. It was ratified on December 15, 1791.

- 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”
-

HB-137-HD-1

Submitted on: 3/18/2025 9:25:59 AM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lani Primacio	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-137-HD-1

Submitted on: 3/18/2025 9:22:23 AM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deven English	Individual	Oppose	Written Testimony Only

Comments:

I am in strong opposition of this bill.

HB-137-HD-1

Submitted on: 3/18/2025 11:17:56 AM

Testimony for PSM on 3/19/2025 3:00:00 PM

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

Comments:

I STRONGLY OPPOSE HB137.

What are we doing? It's already to own a firearm if you're a felon, period. We need to focus our attention on educating instead of criminalizing law abiding citizens.

HB-137-HD-1

Submitted on: 3/18/2025 11:19:02 AM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bryan Revell	Individual	Oppose	Written Testimony Only

Comments:

Gun violence is terrible however this bill allows for good law abiding citizens can be locked up without due process and face longer terms. The government has been caught fueling gun violence and is the largest arms dealer in the world yet seeks control over its citizens instead of protecting them. If our officials really cared about gun violence they'd stop selling guns illegally. Yes we can read the declassified reports and watch senate oversight committee meetings. We know the truth! Our government is only seeking control and is literally killing and imprisoning it's citizens.

HB-137-HD-1

Submitted on: 3/18/2025 11:24:08 AM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Angela M Anderson	Individual	Oppose	Written Testimony Only

Comments:

I am writing to respectfully submit my testimony in strong opposition to HB137, a proposed bill that seeks to extend incarceration periods for felons in possession of firearms. As a concerned resident, I believe this measure, while seemingly well intentioned risks fueling an anti-second Amendment agenda, disproportionately impacts marginalized communities and simultaneously fails to address the root causes of crime in a balanced and effective manner. I urge you to reject this bill for the following reasons:

HB137s focus on extending incarceration periods for felons in possession of firearms may appear to target criminal behavior, but I am deeply concerned that it contributes to a broader, anti-second amendment narrative that erodes the freedoms of law abiding citizens. Particularly when viewed with other anti-gun legislation currently being considered simultaneously. The second amendment guarantees the right to bear arms, a right that has been upheld in the US Supreme Court as recently as 2008, in cases like DC v Heller. While I acknowledge that felons who pose a genuine threat should face consequence, this bills punitive approach risks being exploited as a stepping stone for further restrictions on gun ownership. By framing firearm possession in such a draconian light, HB137 sets a precedent that could justify future overreaches, such as expanded registries (Already on the agenda) or confiscation measures, which would ultimately infringe upon the rights of responsible gun owners.

As a resident of Hawaii, I value my ability to protect myself, my family and my property. This is particularly important in rural areas where law enforcement responses can be delayed due to infrastructure and geography. Legislation like HB137 prioritizes punishment over prevention, sending a message that the government is more interested in controlling firearms than addressing the underlying issues driving crime. This approach threatens to unermine the freedoms of all citizens, not just those with criminal records. I am concerned about the long term implications for our constitutional rights.

Another significant concern with HB137 is its potential to disproportionately affect marginalized and underserved communities in Hawaii. Extending incarceration periods for felons in possession of firearms may lead to harsher outcomes for those who are already overrepresented in the criminal justice system, such as Native Hawaiians, and other minority groups. According to Hawaii's department of public safety's annual report, Native Hawaiians make up a disproportionate share of the state's prison population compared to their percentage in the general population. This bills risks exacerbating these disparities by imposing longer sentences without

addressing the systemic factors-such as poverty, lack of educational opportunities and limited access to mental health resources- that often contribute to criminal behavior.

Additionally, longer sentences do not necessarily equate to safer communities. Research such as the 2016 study for National Institute of Justice, has shown that overly punitive measures can actually hinder rehabilitation and increase recidivism rates by alienating individuals from society rather than helping the reintegrate. I worry that HB137 will perpetuate a cycle of incarceration, particularly for non violent offenders who may have possesses a firearm for reasons unrelated to criminal intent, such as self protection in high crime areas. This punitive approach undermines the principles of fairness and justice that should guide our legislative efforts.

While HB137 aims to enhance public safety by targeting felons with firearms, I believe it misses the mark by focusing on punishment rather than prevention. The root causes of crime in Hawaii-such as economic hardship, mental health challenges, and the proliferation of illegal firearms are not addressed by simply extending prison sentences. For example, a 2022 report by the Hawaii DOH highlighted the significant unmet demand for mental health services across the islands, particularly in rural communities. Many individuals who turn to crim may be struggling with untreated mental health issues or lack of access to stable employment and housing - issues that incarceration alone cannot solve.

Instead of locking people up for longer periods, I urge the legislature to invest in solutions that address these underlying causes. Programs that provide job training, mental health support and community based violence prevention initiative have been shown to reduce crimes more effectively than punitive measures. For instance, the office for Hawaiian affairs has advocated for restorative justice programs that focus on rehabilitation rather than punishment, an approach that could be expanded to firearm-related offenses in a more holistic manner. By prioritizing prevention over punishment, we can create safer communities without restoring to measures that fuel division and erode freedoms.

I respectfully submit that HB137 fails to strike a balance between public safety and individual rights. Rather than extending incarceration periods, I encourage the legislature to explore alternatives that address these root causes of crime while respecting the freedoms of citizens.

HB-137-HD-1

Submitted on: 3/18/2025 11:34:45 AM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keith Tajiri	Individual	Oppose	Written Testimony Only

Comments:

I oppose to HB137

HB-137-HD-1

Submitted on: 3/18/2025 11:38:58 AM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shari saiki Rodrigues	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-137-HD-1

Submitted on: 3/18/2025 11:45:53 AM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jon-Louis Siracusa	Individual	Oppose	Written Testimony Only

Comments:

Intrusive overreach

HB-137-HD-1

Submitted on: 3/18/2025 11:47:30 AM

Testimony for PSM on 3/19/2025 3:00:00 PM

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

Comments:

I Strongly Oppose

HB-137-HD-1

Submitted on: 3/18/2025 12:10:18 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Luke Reiss	Individual	Oppose	Written Testimony Only

Comments:

I Luke Kazuhiro Reiss oppose bill HB137 its is unconstitutional and a direct attack on the 2nd amendment. 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!

HB-137-HD-1

Submitted on: 3/18/2025 1:09:08 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bart Burford	Individual	Oppose	Written Testimony Only

Comments:

I VEHEMENTLY OPPOSE ANY BILL THAT CONTRADICTS/ ERODES/ AND REWRITES OUR 2ND AMMENDMENT RIGHT TO BEAR ARM, & INFRINGES ON OUR PERSONAL LIBERTIES!

SURELY THERE ARE HUNDREDS OF OTHER BILLS THAT CAN BE PRESENTED THAT ARE NOT ANTI-CONSTITUTIONAL, AND A BETTER USE OF TAX PAYERS DOLLARS...

SINXCERELY, PP

HB-137-HD-1

Submitted on: 3/18/2025 1:36:07 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

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

Comments:

I strongly oppose the passing of this bill as its another attempt to fuel the Anti-2A agenda of the Hawaii Democrat contingent. This bill does nothing to make the safety of our citizens more efficient or effective but extends the damage that the government can deliver against its citizens. This is the beginning of a slow but methodological approach to remove the rights of Hawaii's citizens and it is absurd that it is even being proposed. I strongly oppose this bill.

HB-137-HD-1

Submitted on: 3/18/2025 1:57:32 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dorinda Ohelo	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-137-HD-1

Submitted on: 3/18/2025 2:16:24 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marcella Alohalani Boido	Individual	Support	Written Testimony Only

Comments:

I agree with Everytown's position in general, and support the amendment proposed by the Office of the Public Defender. This amendment has been incorporated into the current version of this bill. Please pass this bill.

Thank you.

Marcella Alohalani Boido, M.A.

Moili'ili

HB-137-HD-1

Submitted on: 3/18/2025 2:45:58 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ka'eo Ortiz	Individual	Oppose	Written Testimony Only

Comments:

This is a horrible violation of our 2nd ammendment rights

LATE

HB-137-HD-1

Submitted on: 3/18/2025 3:24:29 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Duke malczon	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose

HB-137-HD-1

Submitted on: 3/18/2025 3:54:13 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Noela von Wiegandt	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha,
I oppose HB137.

Thank You.

Noela von Wiegandt

LATE

HB-137-HD-1

Submitted on: 3/18/2025 8:54:16 PM

Testimony for PSM on 3/19/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tiare Smith	Individual	Oppose	Written Testimony Only

Comments:

****Written Testimony in Opposition to HB 137****

To the Honorable Members of the Hawaii State Legislature,

I am Tiare Smith, a Native Hawaiian resident of Kahalu‘u, O‘ahu, where I have lived for 45 years. As a kama‘āina with deep roots in this community, I write to oppose HB 137, a bill that locks up felons longer for firearm possession and, in doing so, risks fueling an anti-Second Amendment tyranny that threatens the freedoms of law-abiding citizens. While I support severe penalties for felons who violate firearm prohibitions—particularly those with violent histories—this measure precipitously escalates punishment in ways that encroach upon the rights and resources of the innocent. Its approach is antithetical to equity, efficacy, and the principles of justice that should guide our state. Below, I outline the pros and cons of HB 137, followed by detailed solutions that preserve safety and fairness without disenfranchising law-abiding Hawaii residents.

Pros of HB 137

The bill presents several points that align with maintaining severe penalties for convicted felons possessing firearms:

1. ****Enhanced Public Safety****: Elevating penalties for felons with prior violent convictions who possess firearms—escalating the offense to a class B felony with an indeterminate term—reinforces a strong deterrent against recidivism by those with a proven history of violence.
2. ****Targeted Accountability****: By focusing on felons with prior “crimes of violence” as defined in Section 134-1, the bill appropriately directs severe consequences toward individuals who have demonstrated a propensity for dangerous behavior, justifying heightened scrutiny.
3. ****Consistency in Enforcement****: The indeterminate sentencing structure provides prosecutors and courts with a robust tool to ensure that violent felons face significant repercussions for illegally possessing firearms, potentially reducing gun-related threats in our communities.

Cons of HB 137

While the bill’s intent to penalize felons is defensible, its broader implications unjustly encroach on the rights of law-abiding citizens:

1. **Collateral Erosion of Second Amendment Rights**: The escalation of penalties for felons risks fueling a legislative slippery slope, where the rhetoric of “public safety” could precipitate future restrictions on lawful gun ownership. This overreach threatens the constitutional protections of law-abiding citizens, including Native Hawaiians in rural areas like Kahalu‘u, who rely on firearms for self-defense.
2. **Disproportionate Community Impact**: The bill’s severe sentencing disproportionately burdens Native Hawaiian and marginalized populations—already overrepresented among felons—potentially fostering a chilling effect on families and communities where law-abiding individuals may fear guilt-by-association or heightened scrutiny of their own lawful firearm possession.
3. **Fiscal Inefficiency Without Broader Benefit**: The indeterminate terms inflate incarceration costs without evidence that they outperform determinate sentences or alternative measures in reducing crime. This diverts resources from initiatives that could bolster safety for all, inadvertently punishing law-abiding taxpayers who bear the financial load.

Detailed Solutions to Address the Cons

To preserve severe penalties for felons while safeguarding the Second Amendment rights of law-abiding citizens, I propose the following solutions:

1. **Safeguard 2A Rights with Clear Legal Boundaries**:
 - **Solution**: Amend HB 137 to include an explicit clause affirming that penalties apply solely to felons and will not be leveraged to justify broader firearm restrictions on law-abiding citizens.
 - **Safety**: Maintains focus on felons without risking overreach into lawful ownership.
 - **Cost-Effectiveness**: Avoids costly legal battles over constitutional challenges, saving an estimated \$300,000 annually in judicial expenses (Hawaii Judiciary, 2022).
 - **Equity**: Protects Native Hawaiian and rural residents’ rights, ensuring they are not penalized for exercising their freedoms.
2. **Mitigate Community Impact with Rehabilitation**:
 - **Solution**: Pair severe penalties with mandatory reentry programs (e.g., job training or counseling) for felons, reducing recidivism without casting a shadow over law-abiding kin or neighbors.

- **Efficacy**: Cuts repeat offenses by 25% (National Institute of Justice, 2021), enhancing safety without collateral harm.

- **Cost Savings**: A \$250,000 program for 250 felons is cheaper than the \$1 million cost of extended incarceration for 25 individuals annually (Hawaii DPS, 2023).

- **Equity**: Shields law-abiding community members from stigma or fear of association.

3. **Redirect Resources to Empower Law-Abiding Citizens**:

- **Solution**: Reallocate funds from excessive incarceration to subsidize free firearm safety courses for law-abiding residents, offered through community organizations like the Hawaiian Civic Clubs.

- **Safety**: Reduces accidents by 40% (RAND Corporation, 2022), strengthening community resilience.

- **Cost-Effectiveness**: A \$400,000 program for 8,000 participants costs less than the \$1.2 million yearly price of indeterminate terms for 30 felons.

- **Efficacy**: Bolsters the Second Amendment by empowering lawful owners, not punishing them.

4. **Ensure Fiscal Equity for Taxpayers**:

- **Solution**: Cap indeterminate terms at a maximum (e.g., 10 years) and invest savings into crime prevention (e.g., mental health services), relieving law-abiding citizens of undue tax burdens.

- **Equity**: Prevents law-abiding taxpayers from subsidizing inefficient punishment.

- **Cost Savings**: A \$500,000 prevention initiative saves \$800,000 annually compared to uncapped sentencing costs.

Conclusion

HB 137, while rightly targeting felons with violent histories, risks becoming a freedom-crushing assault by overstepping into the lives of law-abiding citizens. As a Native Hawaiian who has called Kahalu‘u home for 45 years, I urge you to refine this bill to punish the guilty without imperiling the innocent. The Second Amendment is a right, not a privilege to be undermined by legislative overreach. Adopt the solutions I have outlined—pragmatic, cost-effective measures that uphold safety and equity while protecting the freedoms of Hawaii’s lawful residents. Let us smash any hint of tyranny and preserve our aloha for justice and liberty.

Mahalo for your consideration,

Tiare Smith

Kahalu'u, O'ahu