

SB 462

RELATING TO FIREARMS POSSESSION

Requires individuals denied a firearm permit or otherwise disqualified from possessing firearms and certain defendants to provide a sworn statement that the individual has disposed of any firearms and ammunition in the individual's possession. Requires the applicable chief of police to search firearm permit and registration records for those individuals and before serving a protective order or restraining order involving firearms or ammunition, and to seize any firearms or ammunition that were not disposed of. Requires police to seize firearms and ammunition in domestic abuse cases that are in plain view of the officer or discovered by consensual search.

PSM, JDL



TO: Chair Will Espero
Vice Chair, Roz Baker
Members of the Committee on Public Safety

FR: Nanci Kreidman, M.A.

RE: SB 462 Support

Aloha and thank you for considering the importance of securing our system's appropriate response to firearms possession by abusers of domestic violence.

It is a very good idea to prohibit access and possession of firearms by abusers. Currently, there are sections of this proposed bill in effect. Having a sworn statement that firearms have, in fact, been disposed of takes us one step closer to safety and prevention.

It is our understanding that for those abusers who are the respondents of a restraining order, service of the court order is handled differently (ie. SWAT team serves the order).

Clarification of all law enforcement procedures, policy and practice is a very good idea. The research is very clear that the presence of a weapon, or access to one, increases the likelihood it will be used to commit further acts of domestic violence.

Thank you for your favorable action on this measure.



Hawaii Rifle Association

State Affiliate of the National Rifle Association
Founded in 1857

February 2, 2015
Testimony before PSM
Tuesday, February 03, 2015, 1:15 p.m., Rm 229
On SB462
IN STRONG OPPOSITION

Honorable Chair, Vice Chair, and Members,

Hawaii Rifle Association strongly opposes this bill.

Requiring a sworn statement that all firearms are disposed of is a violation of 5th Amendment rights.

Under current Hawaii statute, the county police "may" require individuals denied a permit to acquire to dispose of or turn in all firearms within thirty days of notification of denial. Requiring that the PD's "shall" collect firearms, as this bill proposes, removes the "may" seize discretion currently available in some cases so the applicant has opportunity to show a disability to possess does not exist, particularly as pertains to medical records.

Kaiser Permanente provides health insurance currently for 220,000 members. The PD's send a letter to the physician or clinic of record for each permit applicant asking for any indicators of serious addiction or mental health issues. Kaiser physicians have no input, however. The custodian of medical records simple checks the computer for any visits to the mental health program and responds positively, even when the visits were for minor problems. Moreover, Kaiser refuses to re-evaluate their patient for disability to possess firearms, as their plans do not cover such evaluations.

We respectfully request you hold or amend this bill.

Thank you for the opportunity to testify on behalf of HRA.

Dr. Maxwell Cooper
HRA Legislative Liaison



Institute for Rational and Evidence-based Legislation

P. O. Box 41

Mountain View, Hawaii 96771

Committee Chair and Members,

Please vote against moving SB 462 out of committee.

SB 462 is a clear violation of the U.S. Constitution Fifth Amendment right to due process. By allowing confiscation of a person's firearms prior to their having the ability to present evidence that the charges against them are unfounded, said citizen has been denied due process, and then been denied their Second Amendment right to keep and bear arms.

This is especially true in the case of a restraining order or protective order issued solely upon the testimony of an individual without any allowed appearance and/or defense of said charge by the accused. It would also be a denial of the Fifth Amendment due process clause in the case of needing to clear up a mistaken medical record error.

Please do not allow this unconstitutional proposed law to move any further.

Thank you,

George Pace

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 11:59 AM
To: PSMTestimony
Cc: ilan.kariv@npfirearms.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM
Attachments: SB462.pdf

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
ilan Kariv	North Pacific Firearms	Oppose	No

Comments:

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Aloha,

North Pacific Firearms is strongly opposed to the ideas, language and notion of senate bill number 462 due to constitutional problems, lack of legal rational and civil common sense. This bill in its current language strongly contrasting rudimental elements set forth in the United States constitution such as unreasonable searches, seizure of property and the right for due process.

In addition, the notion this bill promote is erroneous because, the state cannot foresee criminal use of firearms by subject(s) of temporary restraint orders ("TRO"), yet [this bill] seeks the seizure of firearms lawfully possessed by people whom are > subject of TRO's
Furthermore, the easement in which TRO's are filed and granted can be used under this bill in a frivolous manner.

Therefore, we are strongly opposing this bill, and ask that you reject this bill in its entirety.

Best Regards.

North Pacific Firearms.

104 Kalakaua Street.

Hilo, Hawaii 96720

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 2:58 PM
To: PSMTestimony
Cc: hawaii hunting association@hawaiiantel.net
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Lodge	hawaii hunting association	Oppose	No

Comments: STRONGLY OPPOSE

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SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Douglas C. Moose	Individual	Oppose	No

Comments: Summarily relieving a resident of their property without due process and valid justification is unconstitutional under the 5th Amendment. The individual's right to not have the state confiscate the property should have precedence. If the individual in question can transfer and/or legally store the firearms where he/she does not have unfettered access, the intent of this bill is served. There is no reason to cost someone what could amount to tens of thousands of dollars worth of their property unless the state intends to reimburse the owner. When the firearms were purchased, they were legally obtained and registered according to state and federal laws. Without having committed any crime using these weapons, the state seeks to have them forfeit under circumstances that may be based solely on suspicion or exaggerated testimony of the person filing the complaint. There should be a process to allow the owner to secure said firearms without the state confiscating them, particularly when no criminal charges have been filed.

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Sent: Monday, February 02, 2015 12:28 PM
To: PSMTestimony
Cc: hautree@hawaii.rr.com
Subject: *Submitted testimony for SB462 on Feb 3, 2015 13:15PM*

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Gordon Kitsuwa	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 12:25 PM
To: PSMTestimony
Cc: micronpcowner@yahoo.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Fuchikami	Individual	Oppose	No

Comments: I'm sorry for my earlier submission (crossed up the bill numbers and purposes). I'm opposed to this bill as it doesn't seem to have enough protections for the gun owner to appeal or present evidence countering the permit denial. In other words, a person may be denied a permit to acquire another firearm and suddenly the police can confiscate all of their firearms or require them to produce a document showing that their firearms have been "disposed of". I understand the thought behind it (Byron Uyesugi) however there needs to be more protection for the gun owner for appealing, etc. Thank you very much!

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 12:23 PM
To: PSMTestimony
Cc: bkulbis@reagan.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Brett Kulbis	Individual	Oppose	No

Comments: I strongly oppose this legislation requiring a sworn statement that all firearms are disposed of because it is a clear violation of an individuals 5th Amendment rights..."No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 1:11 PM
To: PSMTestimony
Cc: pitahui@yahoo.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Philip PEarson	Individual	Oppose	No

Comments: I oppose this bill and view it as a violation of my individual 5th Amendment rights.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 11:21 AM
To: PSMTestimony
Cc: bisaacso@hawaii.edu
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Isaacson	Individual	Oppose	No

Comments: This is a terrible idea. There are all sorts of reasons why an individual might be denied a permit, many of them errors on the part of those reviewing the information required by the permitting process. Taking discretion away from the police opens up the possibility of lawsuits from those wrongfully denied. Obvious cases where the permit should be denied will have other evidence for removing firearms until the situation is rectified. We're fixing a largely non-existent problem with this bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 11:49 AM
To: PSMTestimony
Cc: welam001@hawaii.rr.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Wela	Individual	Oppose	No

Comments: As a law abiding citizen and gun owner. There are enough gun laws to take care of these situations. What about "shall not be infringed" is so hard to understand? Requiring a sworn statement that all firearms are disposed of is a violation of individual 5th Amendment rights. Under current Hawaii law, the county police "may" require individuals denied a permit to dispose of or turn in all firearms within thirty days of denial. Requiring that the PD's "shall" collect firearms removes the necessary discretion currently available in cases while the applicant needs opportunity to show a disability does not exist, particularly as pertains to medical records. Thanks for the chance to submit testimony.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 01, 2015 8:42 AM
To: PSMTestimony
Cc: aliomanual@gmail.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Albert Morgan	Individual	Oppose	No

Comments: I Strongly Oppose this bill. It violates our individual 5th Amendment rights.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 01, 2015 9:14 AM
To: PSMTestimony
Cc: joel@prymis.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Joel dela Cruz	Individual	Oppose	No

Comments: Requiring a sworn statement that all firearms are disposed of is a violation of individual 5th Amendment rights. "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 01, 2015 9:32 AM
To: PSMTestimony
Cc: bizkellam@gmail.com
Subject: *Submitted testimony for SB462 on Feb 3, 2015 13:15PM*

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Kellam	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 01, 2015 10:59 AM
To: PSMTestimony
Cc: laughlin@hawaii.rr.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Laughlin Tanaka	Individual	Oppose	No

Comments: I strongly oppose this bill to require sworn testimony or immediate surrender of firearms to any law enforcement agency within 30 days when a firearms permit has been denied.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 8:03 AM
To: PSMTestimony
Cc: macsak@gmail.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
steven a kumasaka	Individual	Oppose	No

Comments: STRONGLY OPPOSE Bill violates the 5th Amendment to the United States Constitution

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 9:21 AM
To: PSMTestimony
Cc: j_teichi_y@hotmail.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM
Attachments: SB 462 violates several rights guaranteed by the US Constitution Bill of Rights.docx

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jerry Yuen	Individual	Oppose	No

Comments: Oppose SB 462

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SB 462 violates several rights guaranteed by the US Constitution Bill of Rights. First, to sign the sworn statement violates the right to self incrimination.

There is also illegal seizure of property without due process. I can see a lucrative scheme for both police and gun dealers to for someone forced to sell all his entire collection for a fraction of what is worth.

Does HPD or the State have a facility for the proper storage and preservation of firearms? Who will be liable for the damage from improper handling and storage of those firearms?

Denial of a permit to acquire a firearm should not be a reason for confiscation of all presently owned firearms and ammunition. I would liken this to the police confiscating my wife's car and my truck if she fails the vision test and is denied a new driver's license.

Jerry Yuen

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 01, 2015 11:50 AM
To: PSMTestimony
Cc: dctactical@hawaii.rr.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM
Attachments: Testimony for SB462.docx

SB462

Submitted on: 2/1/2015

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Submitted By	Organization	Testifier Position	Present at Hearing
Dwayne Lim	Individual	Oppose	No

Comments:

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1 Feb 2015

Testimony for SB462

Testifier's position – Strongly Oppose

Testimony – I strongly oppose SB462 first and foremost because it clearly violates a citizen's 5th Amendment right, "act of implicating oneself in a crime or exposing oneself to criminal prosecution." SB462 clearly violates the 5th Amendment by, "requiring individuals denied a firearm permit or otherwise disqualified from possessing firearms and certain defendants to provide a SWORN statement that the individual has disposed of any firearm and ammunition in the individual's possession."

I also strongly oppose SB462, Section 2. Section 137-7.3 for the mere fact that it requires individuals to surrender all firearms and ammunition that was previously permitted or obtained through the permit process. Being denied a permit for future acquisitions shall not affect past acquisitions of firearms and ammunition already in individuals possession.

SB462 should be removed or redrafted.

V/r,

Mr. Dwayne Lim

SB 462

RELATING TO FIREARMS POSSESSION

Requires individuals denied a firearm permit or otherwise disqualified from possessing firearms and certain defendants to provide a sworn statement that the individual has disposed of any firearms and ammunition in the individual's possession. Requires the applicable chief of police to search firearm permit and registration records for those individuals and before serving a protective order or restraining order involving firearms or ammunition, and to seize any firearms or ammunition that were not disposed of. Requires police to seize firearms and ammunition in domestic abuse cases that are in plain view of the officer or discovered by consensual search.

PSM, JDL



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Vice Chair, Roz Baker
Members of the Committee on Public Safety

FR: Nanci Kreidman, M.A.

RE: SB 462 Support

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It is our understanding that for those abusers who are the respondents of a restraining order, service of the court order is handled differently (ie. SWAT team serves the order).

Clarification of all law enforcement procedures, policy and practice is a very good idea. The research is very clear that the presence of a weapon, or access to one, increases the likelihood it will be used to commit further acts of domestic violence.

Thank you for your favorable action on this measure.



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We respectfully request you hold or amend this bill.

Thank you for the opportunity to testify on behalf of HRA.

Dr. Maxwell Cooper
HRA Legislative Liaison



Institute for Rational and Evidence-based Legislation

P. O. Box 41

Mountain View, Hawaii 96771

Committee Chair and Members,

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SB 462 is a clear violation of the U.S. Constitution Fifth Amendment right to due process. By allowing confiscation of a person's firearms prior to their having the ability to present evidence that the charges against them are unfounded, said citizen has been denied due process, and then been denied their Second Amendment right to keep and bear arms.

This is especially true in the case of a restraining order or protective order issued solely upon the testimony of an individual without any allowed appearance and/or defense of said charge by the accused. It would also be a denial of the Fifth Amendment due process clause in the case of needing to clear up a mistaken medical record error.

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Thank you,

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To: PSMTestimony
Cc: micronpcowner@yahoo.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Fuchikami	Individual	Oppose	No

Comments: I'm sorry for my earlier submission (crossed up the bill numbers and purposes). I'm opposed to this bill as it doesn't seem to have enough protections for the gun owner to appeal or present evidence countering the permit denial. In other words, a person may be denied a permit to acquire another firearm and suddenly the police can confiscate all of their firearms or require them to produce a document showing that their firearms have been "disposed of". I understand the thought behind it (Byron Uyesugi) however there needs to be more protection for the gun owner for appealing, etc. Thank you very much!

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 12:23 PM
To: PSMTestimony
Cc: bkulbis@reagan.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Brett Kulbis	Individual	Oppose	No

Comments: I strongly oppose this legislation requiring a sworn statement that all firearms are disposed of because it is a clear violation of an individuals 5th Amendment rights..."No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

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Sent: Monday, February 02, 2015 1:11 PM
To: PSMTestimony
Cc: pitahui@yahoo.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Philip PEarson	Individual	Oppose	No

Comments: I oppose this bill and view it as a violation of my individual 5th Amendment rights.

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To: PSMTestimony
Cc: bisaacso@hawaii.edu
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Isaacson	Individual	Oppose	No

Comments: This is a terrible idea. There are all sorts of reasons why an individual might be denied a permit, many of them errors on the part of those reviewing the information required by the permitting process. Taking discretion away from the police opens up the possibility of lawsuits from those wrongfully denied. Obvious cases where the permit should be denied will have other evidence for removing firearms until the situation is rectified. We're fixing a largely non-existent problem with this bill.

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Sent: Monday, February 02, 2015 11:49 AM
To: PSMTestimony
Cc: welam001@hawaii.rr.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Wela	Individual	Oppose	No

Comments: As a law abiding citizen and gun owner. There are enough gun laws to take care of these situations. What about "shall not be infringed" is so hard to understand? Requiring a sworn statement that all firearms are disposed of is a violation of individual 5th Amendment rights. Under current Hawaii law, the county police "may" require individuals denied a permit to dispose of or turn in all firearms within thirty days of denial. Requiring that the PD's "shall" collect firearms removes the necessary discretion currently available in cases while the applicant needs opportunity to show a disability does not exist, particularly as pertains to medical records. Thanks for the chance to submit testimony.

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Sent: Sunday, February 01, 2015 8:42 AM
To: PSMTestimony
Cc: aliomanual@gmail.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Albert Morgan	Individual	Oppose	No

Comments: I Strongly Oppose this bill. It violates our individual 5th Amendment rights.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 01, 2015 9:14 AM
To: PSMTestimony
Cc: joel@pymis.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Joel dela Cruz	Individual	Oppose	No

Comments: Requiring a sworn statement that all firearms are disposed of is a violation of individual 5th Amendment rights. "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

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Sent: Sunday, February 01, 2015 9:32 AM
To: PSMTestimony
Cc: bizkellam@gmail.com
Subject: *Submitted testimony for SB462 on Feb 3, 2015 13:15PM*

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Kellam	Individual	Oppose	No

Comments:

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Sent: Sunday, February 01, 2015 10:59 AM
To: PSMTestimony
Cc: laughlin@hawaii.rr.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Laughlin Tanaka	Individual	Oppose	No

Comments: I strongly oppose this bill to require sworn testimony or immediate surrender of firearms to any law enforcement agency within 30 days when a firearms permit has been denied.

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Sent: Monday, February 02, 2015 8:03 AM
To: PSMTestimony
Cc: macsak@gmail.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
steven a kumasaka	Individual	Oppose	No

Comments: STRONGLY OPPOSE Bill violates the 5th Amendment to the United States Constitution

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 9:21 AM
To: PSMTestimony
Cc: j_teichi_y@hotmail.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM
Attachments: SB 462 violates several rights guaranteed by the US Constitution Bill of Rights.docx

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jerry Yuen	Individual	Oppose	No

Comments: Oppose SB 462

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SB 462 violates several rights guaranteed by the US Constitution Bill of Rights. First, to sign the sworn statement violates the right to self incrimination.

There is also illegal seizure of property without due process. I can see a lucrative scheme for both police and gun dealers to for someone forced to sell all his entire collection for a fraction of what is worth.

Does HPD or the State have a facility for the proper storage and preservation of firearms? Who will be liable for the damage from improper handling and storage of those firearms?

Denial of a permit to acquire a firearm should not be a reason for confiscation of all presently owned firearms and ammunition. I would liken this to the police confiscating my wife's car and my truck if she fails the vision test and is denied a new driver's license.

Jerry Yuen

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 01, 2015 11:50 AM
To: PSMTestimony
Cc: dtactical@hawaii.rr.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM
Attachments: Testimony for SB462.docx

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dwayne Lim	Individual	Oppose	No

Comments:

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1 Feb 2015

Testimony for SB462

Testifier's position – Strongly Oppose

Testimony – I strongly oppose SB462 first and foremost because it clearly violates a citizen's 5th Amendment right, "act of implicating oneself in a crime or exposing oneself to criminal prosecution." SB462 clearly violates the 5th Amendment by, "requiring individuals denied a firearm permit or otherwise disqualified from possessing firearms and certain defendants to provide a SWORN statement that the individual has disposed of any firearm and ammunition in the individual's possession."

I also strongly oppose SB462, Section 2. Section 137-7.3 for the mere fact that it requires individuals to surrender all firearms and ammunition that was previously permitted or obtained through the permit process. Being denied a permit for future acquisitions shall not affect past acquisitions of firearms and ammunition already in individuals possession.

SB462 should be removed or redrafted.

V/r,

Mr. Dwayne Lim

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 2:55 AM
To: PSMTestimony
Cc: VictoryBear@hawaii.rr.com
Subject: *Submitted testimony for SB462 on Feb 3, 2015 13:15PM*

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Vernon Okamura	Individual	Oppose	No

Comments:

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Sent: Monday, February 02, 2015 3:20 AM
To: PSMTestimony
Cc: data35@hawaii.rr.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Marvin Dryden	Individual	Oppose	Yes

Comments: I STRONGLY OPPOSE SB462. Requiring a sworn statement that all firearms are disposed of is a violation of my 5th Amendment rights. Under current Hawaii law, the county police "may" require individuals denied a permit to dispose of or turn in all firearms within thirty days of denial. Requiring that the PD's "shall" collect firearms removes the necessary discretion currently available in cases while the applicant needs opportunity to show a disability does not exist, particularly as pertains to medical records. I STRONGLY OPPOSE SB462.

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Sent: Monday, February 02, 2015 4:47 AM
To: PSMTestimony
Cc: heaviescc@gmail.com
Subject: *Submitted testimony for SB462 on Feb 3, 2015 13:15PM*

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Brendon Heal	Individual	Oppose	No

Comments:

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Sent: Sunday, February 01, 2015 8:49 PM
To: PSMTestimony
Cc: anthony.higa.hawaii@gmail.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Higa	Individual	Oppose	No

Comments: This appears to violate the 5th Amendment.

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Sent: Sunday, February 01, 2015 9:03 PM
To: PSMTestimony
Cc: wekeis333@gmail.com
Subject: *Submitted testimony for SB462 on Feb 3, 2015 13:15PM*

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Sylvester	The Society For Hawaii Heritage Animals	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 01, 2015 10:49 PM
To: PSMTestimony
Cc: koryohly@outlook.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM
Attachments: Kory Ohly Oppose SB462.doc

SB462

Submitted on: 2/1/2015
Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kory Ohly	Individual	Oppose	No

Comments: Kory Ohly oppose SB462 I oppose SB462. Currently, county police "may" require an individual denied a permit to dispose of or turn in all firearms. I oppose SB462 which changes the wording to "shall." It is not necessary to require the police to require an individual denied a permit to dispose of or turn in all firearms. What advantage is telling the police they "shall" do something when they already have the legal standing to do it, if they have reason to believe such action is prudent? In cases where the police do not have reason to require the relinquishing of firearms, it would force them to make an unconstitutional imposition on the gun owner in question. I also think that if passed, this could discourage law-abiding gun owners from acquiring guns legally. It seems to me it would essentially penalize law-abiding gun owners, because if they apply for another permit, they run the risk of getting denied and subsequently losing their other firearms. As such, it is a harassment and infringement upon rights recognized and protected by the 2nd amendment. I oppose SB462.

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Kory Ohly oppose SB462

I oppose SB462. Currently, county police "may" require an individual denied a permit to dispose of or turn in all firearms. I oppose SB462 which changes the wording to "shall." It is not necessary to require the police to require an individual denied a permit to dispose of or turn in all firearms. What advantage is telling the police they "shall" do something when they already have the legal standing to do it, if they have reason to believe such action is prudent? In cases where the police do not have reason to require the relinquishing of firearms, it would force them to make an unconstitutional imposition on the gun owner in question.

I also think that if passed, this could discourage law-abiding gun owners from acquiring guns legally. It seems to me it would essentially penalize law-abiding gun owners, because if they apply for another permit, they run the risk of getting denied and subsequently losing their other firearms. As such, it is a harassment and infringement upon rights recognized and protected by the 2nd amendment.

I oppose SB462.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 01, 2015 11:41 PM
To: PSMTestimony
Cc: kaneohegs@aol.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
daniel oshima	Individual	Oppose	No

Comments: Oppose SB462

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Sent: Monday, February 02, 2015 12:11 AM
To: PSMTestimony
Cc: jonwebsterabbott@yahoo.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jon Abbott	Individual	Oppose	No

Comments: To Our Representatives, This law is a violation of a citizens 5th Amendment rights preventing self incrimination. I urge you to oppose this measure in any form, Mahalo

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Sent: Sunday, February 01, 2015 7:12 PM
To: PSMTestimony
Cc: sthazam@yahoo.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen T Hazam	Individual	Oppose	No

Comments: Please oppose this bill. It is a violation of individual 5th Amendment Rights and removes discretion that is necessary in these matters. Thank you for the opportunity to submit testimony.

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Sent: Sunday, February 01, 2015 7:03 PM
To: PSMTestimony
Cc: mauifarrier@gmail.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Gretchen Cardoso	Individual	Oppose	No

Comments: I strongly oppose this as it infringes upon a citizen's 5th amendment rights!

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Sent: Sunday, February 01, 2015 8:11 PM
To: PSMTestimony
Cc: info@roby-inc.com
Subject: *Submitted testimony for SB462 on Feb 3, 2015 13:15PM*

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Byon Nakasone	Individual	Oppose	No

Comments:

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Sent: Sunday, February 01, 2015 8:34 PM
To: PSMTestimony
Cc: info@arianoff.us
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Gregory Arianoff	Individual	Oppose	No

Comments: This proposal is simply unconstitutional. Remember the oath of office.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 01, 2015 8:28 PM
To: PSMTestimony
Cc: shelton.yamashiro@gmail.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM
Attachments: SB462.docx

SB462

Submitted on: 2/1/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Shelton Yamashiro	Individual	Oppose	No

Comments: Please OPPOSE!

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I STRONGLY OPPOSE this measure. (SB 462)

Requiring a sworn statement that all firearms are disposed of is a violation of individual 5th Amendment rights and creates yet another layer of paperwork police departments must track and maintain.

Under current Hawaii law, the county police "may" require individuals denied a permit to dispose of or turn in all firearms within thirty days of denial. Requiring that the PD's "shall" collect firearms removes the necessary discretion currently available in cases while the applicant needs opportunity to show a disability does not exist, particularly as pertains to medical records.

Please OPPOSE this measure.

Shelton Yamashiro

February 2, 2015

To Hawaii Legislature,

RE: Opposed to SB 462 Relating to Firearms Possession

I strongly oppose SB 462 due to violation of an individual's rights without discretion or due process . It is against our freedoms and the constitution for someone to be stripped of his 2nd amendment right to bear arms without a review by the courts or without the threat of imminent danger. It goes against what we have in place for our criminal justice system.

If a person is such a danger to society that we must strip them of their rights, then they should be in jail and go through the justice system. Just that simple. A dangerous person does not need firearms to cause harm. They could drive their car into a crowd of people, go on a murder spree with a knife, put poison into the drinking water, and infinitely number of other heinous acts. If this is the case, we should impound their car, take away their knives and pointy objects, ban them from shopping for anything considered a poison, and ban them from anything that can cause harm. But if the public is so concerned about banning everything from them, that person should be in jail.



Todd Yukutake

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 9:46 AM
To: PSMTestimony
Cc: onederful100@aol.com
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Gavin Lohmeier	Individual	Oppose	No

Comments: Relating To Firearms Possession. I, as a registered voter in Hawaii, STRONGLY OPPOSE. Requiring a sworn statement that all firearms are disposed of is a violation of individual 5th Amendment rights. Under current Hawaii law, the county police "may" require individuals denied a permit to dispose of or turn in all firearms within thirty days of denial. Requiring that the PD's "shall" collect firearms removes the necessary discretion currently available in cases while the applicant needs opportunity to show a disability does not exist, particularly as pertains to medical records.

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Sent: Monday, February 02, 2015 11:21 AM
To: PSMTestimony
Cc: bisaacso@hawaii.edu
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Isaacson	Individual	Oppose	No

Comments: This is a terrible idea. There are all sorts of reasons why an individual might be denied a permit, many of them errors on the part of those reviewing the information required by the permitting process. Taking discretion away from the police opens up the possibility of lawsuits from those wrongfully denied. Obvious cases where the permit should be denied will have other evidence for removing firearms until the situation is rectified. We're fixing a largely non-existent problem with this bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 11:14 AM
To: PSMTestimony
Cc: HGHAWAII@GMAIL.COM
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Harvey Gerwig	Individual	Oppose	Yes

Comments: I am emphatically OPPOSED to this proposed measure. There needs to be discretion regarding whose firearms are confiscated based on the reason for that confiscation. A person who has had grief counseling for the loss of a spouse will be denied by HPD for a permit to acquire, thus generating a confiscation of their current firearms and ammo. This NOT ok, and needs to be rejected.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 10:44 AM
To: PSMTestimony
Cc: tom1.galli@gmail.com
Subject: *Submitted testimony for SB462 on Feb 3, 2015 13:15PM*

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Galli	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 02, 2015 2:56 PM
To: PSMTestimony
Cc: hawaii hunting association@hawaiiantel.net
Subject: Submitted testimony for SB462 on Feb 3, 2015 13:15PM

SB462

Submitted on: 2/2/2015

Testimony for PSM on Feb 3, 2015 13:15PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Lodge	Individual	Oppose	No

Comments: STRONGLY OPPOSE

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