



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

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**ON THE FOLLOWING MEASURE:**

H.C.R. NO. 86, H.R. NO. 93, REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON SYSTEMS OF FIREARMS INSURANCE AND OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS PERTAINING TO FIREARMS.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

**DATE:** Thursday, March 23, 2023      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

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

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Chair Tarnas and Members of the Committee:

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

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

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

Should H.C.R. No. 86 or H.R. No. 93 be adopted, the Department stands ready to assist and to work collaboratively with the Legislative Reference Bureau on this matter.

Thank you for your consideration of this measure.

Charlotte A. Carter-Yamauchi  
Director

Shawn K. Nakama  
First Assistant

Research 808-587-0666  
Revisor 808-587-0670  
Fax 808-587-0681



LEGISLATIVE REFERENCE BUREAU  
State of Hawaii  
State Capitol, Room 446  
415 S. Beretania Street  
Honolulu, Hawaii 96813

## Written Comments

### HCR86

## REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON SYSTEMS OF FIREARMS INSURANCE AND OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS PERTAINING TO FIREARMS

Charlotte A. Carter-Yamauchi, Director  
Legislative Reference Bureau

Presented to the House Committee on Judiciary and Hawaiian Affairs

Thursday, March 23, 2023, 2:00 p.m.  
Room 325 & Videoconference

Chair Tarnas and Members of the Committee:

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

The purpose of this measure is to request that the Bureau conduct a study on systems of firearms insurance and other financial responsibility requirements pertaining to firearms, including the feasibility and costs of these systems. As a part of the study, the Legislative Reference Bureau is requested to work in collaboration with the Department of the Attorney General and the Insurance Commissioner to examine how these systems may be implemented in the State.

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

The Bureau takes no position on this measure but has some serious concerns about our ability to perform the study as requested. We submit the following comments for your consideration.

As a general matter, the Bureau notes that it lacks any of the subject matter expertise necessary to conduct the requested study. We do not presently have any staff with specific expertise or particular experience in matters relating to insurance, insurance mandates, actuarial analysis, accounting, or economics that would allow us to comment with any authority on the feasibility of any system of firearms insurance or other financial responsibility requirements. The Bureau also notes that there appears to be an extreme shortage of real-world data to make a fully informed analysis of the "feasibility" or effectiveness of mandated firearms insurance laws, particularly with respect to the public carrying of firearms. The State of New Jersey and the City of San Jose, as noted in the measure itself, require certain firearm owners to carry firearms insurance. However, as these jurisdictions only enacted their laws in 2022, we anticipate difficulty in obtaining relevant factual information on the impacts of those laws. The Bureau has not found any other jurisdiction in the United States that requires such insurance. While we are aware that Denmark and Germany may have some insurance requirements relating to hunting licenses, information about those countries' requirements appears to be scarce, at least in the English language.

In light of the Bureau's lack of relevant subject matter expertise, the Bureau respectfully requests that the measure be amended to limit the Bureau's role in the study to a summary of the relevant mandatory insurance laws of New Jersey and San Jose, any similar insurance laws that other United States jurisdictions may enact this year, and any current laws that impose other financial responsibility requirements pertaining to firearms.

If the Committee still wishes for an analysis of the feasibility and costs of firearms insurance and other financial responsibility requirements pertaining to firearms, the Bureau respectfully suggests that the study be divided to assign sole responsibility for that analysis to an agency with specific expertise in insurance regulation and oversight, such as the Insurance Division of the Department of Commerce and Consumer Affairs, in light of the Insurance Division's experience in reviewing the financial conditions of Hawaii insurers and regulating insurance rates.

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

Thank you again for your consideration.

**HCR-86**

Submitted on: 3/20/2023 3:04:00 PM

Testimony for JHA on 3/23/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Resolution.