



Hawaii Rifle Association

State Affiliate of the National Rifle Association
Founded in 1857

March 16, 2009

Testimony on SB 532 SD1, Relating to Civil Liability

IN STRONG SUPPORT

Before the Committee on Judiciary
Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair
DATE: Tuesday, March 17, 2009
TIME: 2:00 PM
PLACE: Conference Room 325
JUDTestimony@Capitol.hawaii.gov

Honorable Chair, Vice Chair, and Members,

I would like to provide testimony in **STRONG SUPPORT** of this bill.

This is not necessarily a firearms bill. This is a “get tough on crime” bill. The time has come to take back our island. If an innocent defends himself, he should not be in fear from civil liability. It’s simply the right thing to do.

Show the people of Hawaii that we are taking a leadership role in cracking down on criminals.

Please **SUPPORT** the passage of this bill.

Sincerely,

Mr. Mark Plischke
Legislative Co-Chair
Hawaii Rifle Association
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STATE & LOCAL AFFAIRS DIVISION
CAROLYN HERBERTSON, HAWAII STATE LIAISON

**TESTIMONY IN SUPPORT OF S.B. 532
HOUSE COMMITTEE ON JUDICIARY
TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009**

Tuesday, March 17th
Conference Room 325
2:00 p.m.
State Capitol Building
Testimony read by Mark Plischke on behalf of Carolyn Herbertson

Chair Karamatsu and Members of the Committee:

On behalf of the Hawaii members of the National Rifle Association, I would like to voice our strong support for Senate Bill 532, a good policy effort designed to protect property owners, renters and dwelling inhabitants against civil claims that may be brought against them by intruders who were either injured or killed while committing certain classes of felonies.

As you may know, a majority of states in the U.S. has enacted legislation such as this – a movement that stemmed from homeowners being sick and tired of being treated like criminals for doing nothing more than standing their ground against a criminal intruder while in their homes.

Homeowners like Dr. Frank Sommer, a dentist in Tulsa, Oklahoma who was victimized by two men who had preyed on senior citizens in his community. Sommer killed one of the intruders, and scared off the other. After Dr. Sommer's experience, he was taken to the police station, interrogated, and released after a hue and cry from the Tulsa community.

Shortly thereafter, an attorney representing the dead intruder's family sued Dr. Sommer seeking damages for a lifetime of lost earnings on the grounds that the killing was unlawful. Fortunately for the doctor, the lawsuit was thrown out of court but he had to continue to relive the nightmare brought about by the killing while the case was pending.

SB 532 Testimony

Page 2

The passage of Senate Bill 532 will ensure that law-abiding citizens who seek to protect themselves and their loved ones will not be subject to a second victimization go-round through its intent to deter criminals who commit such crimes from filing frivolous civil claims.

We respectfully urge your support of this bill.

**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) REGARDING S.B. NO. 532, SD 1**

March 17, 2009

To: Chairman Jon Riki Karamatsu and Members of the House Committee on Judiciary:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) regarding S.B. No. 532, SD 1.

This measure gives immunity to an owner of property, including an agent of an owner or a tenant or anyone authorized to be on the property or an employee and gives permission to “shoot to kill” any person engaged in any class A felony or a class B felony involving violence or physical harm. We strongly opposed the original bill and still have concerns regarding this version of the bill.

While the use of deadly force to stop or intervene in the commission of a murder may be worthy of discussion, it must be considered that sanctioning the use of deadly force by ordinary citizens who lack law enforcement training to assess the need to use deadly force, employ alternative means to control the situation, consider the safety of bystanders and safely handle weapons is a public policy matter for the legislature. Serious consideration should be given to the public safety implications of allowing untrained persons to open fire in a crowded shopping center in response to a possible felony being committed.

HAJ suggests that the collateral unintended consequences of permitting untrained persons to “shoot to kill” anyone engaged in any class A or B felony could outweigh the positive benefits of the bill. Self-defense is a recognized response by a person subject to the use of deadly force against himself/herself or their family. If the use of deadly force is to be sanctioned, it should be restricted to only the most extreme situations of murder or attempted murder. The use of deadly force in other situations not involving imminent loss of life should be left to trained law enforcement personnel.

Thank you very much for this opportunity to testify regarding this measure.

COMMITTEE ON JUDICIARY

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

Testimony in Support of SB 532 SD1

Chair Karamatsu, Vice Chair Ito,

Thank you for hearing this bill. We need to provide protection to honest and law abiding citizens that may be forced to protect themselves from criminals intent on violent predation. To expose someone forced to defend themselves from criminal violence to civil actions from those criminals or their family is truly a perversion of justice.

Please support and pass this important legislation.

Thank you.

Bill Richter