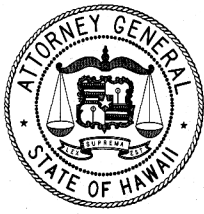




# HB1813 HD1

Measure Title:	RELATING TO FIREARMS.
Report Title:	Relating to Firearms; Terrorist Screening Database
Description:	Temporarily prohibits a person listed in the federal Terrorist Screening Database from owning, possessing, or controlling a firearm or ammunition. Requires surrender or disposal of firearms and ammunition. Allows for removal of the disqualification. (HB1813 HD1)
Companion:	<a href="#">SB2413</a>
Package:	None
Current Referral:	PSM, JDL
Introducer(s):	RHOADS, BELATTI, TAKUMI



## **TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-EIGHTH LEGISLATURE, 2016**

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**ON THE FOLLOWING MEASURE:**

**H.B. NO. 1813, H.D.1, RELATING TO FIREARMS.**

**BEFORE THE:**

**SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY  
AFFAIRS**

**DATE:** Tuesday, March 22, 2016

**TIME:** 1:20 p.m.

**LOCATION:** State Capitol, Room 229

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Karen A. Droscoski, Deputy Attorney General

---

Chair Nishihara and Members of the Committee:

The Department of the Attorney General (Department) continues to support the intent of this measure. In line with other jurisdictions implementing similar legislation, the Department supports this bill to further local and national security concerns. While there are currently no definitive legal decisions addressing potential constitutional challenges, legal challenges remain a possibility.

Thank you for the opportunity to testify.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 • INTERNET: [www.honoluluupd.org](http://www.honoluluupd.org)



KIRK CALDWELL  
MAYOR

LOUIS M. KEALOHA  
CHIEF

MARIE A. McCAULEY  
CARY OKIMOTO  
DEPUTY CHIEFS

OUR REFERENCE GK-DNK

March 22, 2016

The Honorable Clarence K. Nishihara, Chair  
and Members  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Nishihara and Members:

SUBJECT: House Bill No. 1813, H.D. 1, Relating to Firearms

I am Gerald K. Kaneshiro, Acting Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 1813, H.D. 1, Relating to Firearms.

Currently, the Hawaii Revised Statutes (HRS) articulates who may not own or possess a firearm. In this era of domestic terror and "lone wolf" terror attacks, keeping firearms out of the hands of those with ill intent is more important than ever. The Federal Bureau of Investigation has identified those individuals who are known or reasonably suspected of being involved in terrorist activities. Denying those persons access to an unlimited number of firearms is in the best interest of the State of Hawaii and the nation as a whole.

The HPD urges you to support House Bill No. 1813, H.D. 1, Relating to Firearms.

Thank you for the opportunity to testify.

Sincerely,

  
Gerald K. Kaneshiro, Acting Major  
Records and Identification Division

APPROVED:

  
Louis M. Kealoha  
Chief of Police

*Serving and Protecting With Aloha*



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COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

TUESDAY, MAR. 22, 2016, 1:20 P.M., CONFERENCE ROOM 229  
SB2438 SD2 RELATING TO CAMPAIGN FINANCE

TESTIMONY  
Beppie Shapiro

Chair Nishihara, Vice-Chair Espero, and Committee Members:

I strongly support HB1813 HD1, which would prevent individuals in the federal Terrorist Screening Database from owning, possessing, or controlling a firearm or ammunition.

The proposed policy should be a “no-brainer”. What rational individual, or government, would want to let people reasonably suspected of terrorist intentions or activities own or control a gun? Well, I guess it would be rational for a criminal who had terrorist plans to oppose this bill...

The fact that the bill contains an option to reverse the disqualification should remove any qualms about inaccuracies in the Terrorist Screening Database.

Everything I could say in support of this bill sounds blatantly obvious. E.g., With terrorist acts and plans within our country making us all less secure, putting barriers between reasonably suspected terrorists and use of firearms is eminently sensible.

Please pass this important bill.

Thank you for the opportunity to submit testimony.

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# AMERICANS FOR **RESPONSIBLE** SOLUTIONS

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**Legislation:** HB 1813

**Prepared by:** Robin Lloyd, State Legislative Director, Americans for Responsible Solutions

**Support**

**Testimony Prepared for the Senate Public Safety,  
Intergovernmental and Military Affairs Committee**

March 21, 2016

Thank you, Chairman Nishihara, Vice Chairman Espero, and members of the Public Safety, Intergovernmental and Military Affairs Committee for the opportunity to provide testimony in support of HB 1813, a bill to prohibit persons listed on the Terrorist Watchlist from purchasing firearms.

My name is Robin Lloyd and I am the State Legislative Director for Americans for Responsible Solutions. Former Congresswoman Gabby Giffords and her husband Captain Mark Kelly founded ARS to find commonsense solutions to gun violence in the United States. We work with advocates and legislators across the country, including here in Hawaii, to promote middle-of-the-road policies that will build safer communities.

The bill being debated here today, HB 1813, is one such policy that is critical to the safety and security of Hawaii. Despite both the Bush and Obama Administration's support for closing the terrorist gap, current federal law does not prohibit a person on the Terrorist Watchlist from purchasing firearms. Therefore the background check system generally cannot deny the sale.

Hawaii has the ability to act in the interest of our security where Congress and the federal government have failed. Every state, including Hawaii, has a statute that lists people prohibited by law from purchasing or possessing guns, and the background check system can deny a sale when state law prohibits the buyer from purchasing or possessing guns. People on the Terrorist Watchlist should be added to this list so those sales will be denied. The bill being heard today, HB 1813, would do just that. Across the country states are enacting legislation to prevent dangerous individuals from accessing firearms. Hawaii can lead the way by passing this legislation and keeping guns out of the hands of known and suspected terrorists.

According to a 2014 Indiana University study, guns have become a weapon of choice for terrorists in the United States. In total, there have been 17 terrorist attacks in the US since 9/11, with six attacks resulting in fatalities. All six of these fatal attacks involved firearms. The most recent example is that of San Bernardino, California where 14 people were shot to death. Almost all of these attacks involved "lonewolf" terrorists whose connections to organized terrorist groups like ISIS were limited. But it is only a matter of time before organized terrorist groups begin to actively employ mass shooters in the United States.

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## AMERICANS FOR **RESPONSIBLE** SOLUTIONS

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The background checks process already cross-references the Terrorist Watchlists for a gun buyer. So far, only New Jersey has taken action to prohibit known and suspected terrorists from purchasing firearms, although bills like this one are pending in 12 other states. When state police run a background check in New Jersey, the FBI informs them that the gun sale should be denied if an individual is on the list. The State Police have stated that they have denied gun sales because of the law in New Jersey. Without the state law, the system wouldn't be able to deny the sale unless there is another prohibiting factor for someone purchasing a firearm.

The FBI cross-references multiple databases in the background check process. One database the FBI searches includes information from the Terrorist Watchlist that the Terrorist Screening Center has forwarded to the National Crime Information Center (NCIC). Because of this cross-referencing, we know that 2,233 people on the Terrorist Watchlist attempted to purchase guns from 2004 to 2014, and that 91% of the time the sale was approved. It is important to note that there is uncertainty around how and if the federal government can share this information with states, and there are ongoing conversations between the federal government and states to see what is possible. Congress can and should follow the request of successive Republican and Democratic administrations and close this loophole, but in the absence of such action, states are starting to act.

The gap in our law is alarming and dangerous. However, it doesn't have to be this way. Support for closing this loophole is overwhelming: 82% of gun owners and 75% of NRA members support legislation similar to HB 1813. States can and should take action.

I am glad to see that Hawaii is considering this important legislation that will prohibit people on the Terrorist Watchlist from possessing guns. Americans for Responsible Solutions strongly supports this legislation. Thank you.



# **Institute for Rational and Evidence-based Legislation**

**P. O. Box 41**

**Mountain View, Hawaii 96771**

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March 18, 2016

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS Chair,  
Vice Chair, and Members,

Please vote NO on HB1813.

I'm sure all the members of the committee have done their due diligence and carefully researched the multitude of problems with the "Terrorist Screening Database" which HB1813 would use as the standard to deny law-abiding Hawaii citizens, without any due process whatsoever, of their fundamental individual natural/God-given enumerated Constitutionally-guaranteed civil right to keep and bear arms, but I am entering this into the public record not for the already well-informed committee members, but for the general public who may not be so well-educated about the numerous problems with the "Terrorist Screening Database", and might be puzzled by your votes against this bill, having the ill-informed and mistaken idea that legislators "want terrorists to have guns". We all know, of course, that nothing could be further from the truth. We need only look to all the other bills filed and working their way through the Hawaii legislature with broad support to clearly see that many Hawaii legislators want to remove access to firearms from a far wider group of citizens than merely "terrorists".

The problems with the "Terrorist Screening Database" are many, far too many to go into here, so I will simply briefly mention a few of the problems so the public knows that HB1813 would not serve the citizens of Hawaii.

Firstly, no one knows if they are on the "Terrorist Screening Database" until they try to travel or engage in some other activity, such as attempting to purchase a firearm and undergoing a required background check, when they are "flagged". Senator Ted Kennedy (among other well-known public figures) was on the list (he was also on the much smaller "No Fly" list) and stopped numerous times from boarding airplanes. This was apparently because he had a name similar to a person who was a member of the Irish Republican Army who had blown his arms off while constructing an explosive device. I guess the "Terrorist Screening Database" forgot to mention "no arms" as part of it's description, or perhaps the database did include that descriptive information, but out of an abundance of caution Kennedy was prohibited from boarding on the possibility that "those could be prosthetic robotic arms". Who knows? What we do know is that Kennedy of course, over a period of many months managed to get his name off the "No Fly List"/"Terrorist Screening Database" eventually. Regular citizens are not so lucky. One person was on the list for TEN YEARS before finally getting the case into court where it was discovered that it was a clerical error that had placed them on the list, and then the lack of due process options that kept them on the list.

There is no due process by an independent outside means, such as a court (except after many years and spending tens of thousands of dollars), for redressing one's mistaken appearance on the "Terrorist Screening Database". There is a process, but it is inadequate, as addressed by several reports by the U. S. Department of Justice Office of the Inspector General. "[T]he TSC's [Terrorist Screening Center] redress activities identified a high rate of error in watchlist records. In addition, we believe the TSC needs to address the timeliness of redress complaint resolutions."

How high is the error rate and how many people are so effected? From the same report by the Inspector General: "We examined 105 records subject to the routine quality assurance review and found that **38 percent** of the records we tested continued to contain errors or inconsistencies that were not identified through the TSC's quality assurance efforts." How many people does a 38% error rate become? "The watchlist database continues to increase by an average of over 20,000 records per month and contained over 700,000 records as of April 2007."

The nine years since that publication until February 2016 would mean an increase of 2,120,000 names on the list, bringing it to a total of 2,820,000 names. At an error rate of 38%, that would mean that 805,600 of those named on the list are on the list in error. That is a significantly large number of people who would be denied their rights without due process, simply due to government incompetence.

Now, what are the criteria for being placed upon the list in the first place, even if it weren't riddled with such a high degree of errors? "The TSC's general criterion for including a record in the consolidated watchlist database is that the nominating agency must have provided evidence of a nexus to terrorism." Please note that "nexus to terrorism" includes people who might be neighbors, co-workers, relatives, acquaintances, etc. of a person who may (or may not) have some legitimate "nexus" to actual real-world terrorist activity. This criterion is far too broad and vague and obviously, as the Inspector General notes: "[T]he database contains records for individuals that should not be watchlisted."

There are at least one million names, maybe two million or more on the "Terrorist Screening Database". If you go to the FBI website where they address their process for redressing possible errors in the database, they assure us that they have "AN attorney on staff [emphasis added]" to address such issues. That's one busy attorney.

A recently discussed concern is that this being a "domestic" (not "international") database is that the criteria for including (only) American citizens in this database may include perfectly legitimate and lawful First Amendment-protected political speech, and yet such activity results in placement on the "Terrorist Screening Database". There is much evidence that such is the case, and this raises concerns about government overreach and the "chilling effect" such terrorist designation has upon lawful activities protesting government actions. One has to wonder with such broad and vague criteria that perhaps even people submitting strongly-worded public testimony to government agencies opposing what such citizens view as tyrannical unconstitutional policies and laws, and perhaps using accusatory language regarding failure by politicians to uphold their oath of office to uphold the Constitution, might end up on such a list. Is that what the founders had in mind with the First Amendment?

There are many more problems with the "Terrorist Screening Database" and thus the idea that it should be used for denying law-abiding citizens of Hawaii their rights, but the above ought to be sufficient to allow previously uninformed citizens to see the wisdom of defeating HB1813.

thank you,



George Pace

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
James Michael Rosa	Rosa's Arms, LLC (FFL)	Oppose	No

Comments: As a Federal Firearms Dealer in the State of Hawaii I'm all for keeping firearms and ammunition out of the hands of terrorists and do my best as a Firearms Dealer to screen each and every person before completing a Firearms Transfer and handing firearms over to a non Law Enforcement individual. I'm 100% against this proposed bill with ultimate power to disarm the general public being potentially put in the wrong hands, enabling law abiding individuals such as myself to have their Firearms and ammunition taken away without just cause and going directly against Our Second Amendment Rights.

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jerry Ilo	Babooze Bowstrings	Oppose	No

Comments:

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**HB1813**

Submitted on: 3/21/2016

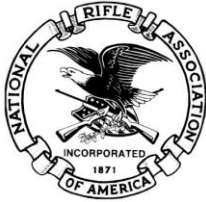
Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Harvey Gerwig	Hawaii Rifle Association	Oppose	Yes

Comments: The Hawaii Rifle Association STRONGLY OPPOSES this bill on the following grounds: 1.) The No Fly Data Base is highly inaccurate and unreliable, as verified by the audit performed by the Federal Auditor. The audit showed an error rate in excess of ( 38% ). 2.) The ACLU sued and won a case against this list due to the unconstitutional nature of the challenge system for getting off the list. 3.) Removing someone's Constitutional right without Due Process is absolutely wrong and will generate more lawsuits for the State of Hawaii to defend against. Thank you, Harvey Gerwig, HRA President

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NATIONAL RIFLE ASSOCIATION OF AMERICA  
INSTITUTE FOR LEGISLATIVE ACTION  
(916) 446-2455 voice ▪ (703) 267-3976 fax  
[www.nraila.org](http://www.nraila.org)

STATE & LOCAL AFFAIRS DIVISION  
DANIEL REID, HAWAII STATE LIAISON

March 21, 2016

The Honorable Clarence Nishihara  
Chair, Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
Sent Via Email

Re: House Bill 1813 – OPPOSE

Dear Mr. Chairman:

On behalf of the Hawaii members of the National Rifle Association, we strongly oppose House Bill 1813.

The NRA does not want terrorists or dangerous people to have firearms, any suggestion otherwise is offensive and wrong; however, the NRA is opposed to a secret government list, which a large number of Americans mistakenly end up on every year, being used to deny individuals their constitutional right without proper due process of the law.

This legislation would affect law-abiding individuals who mistakenly end up on the list for unbeknownst reasons. The terrorist watchlist is not public record; both the list of individuals and the criteria used to determine who is added to the list, are secret. Additionally, there is no known process for being taken off of the list. Due process is a pillar of the American justice system, and a constitutionally protected right cannot, and should not, be taken away on the basis of a secretive or unsubstantiated accusation.

Further, when utilizing the National Instant Check System (NICS), individuals on the terrorist watchlist are already queried and denied a firearm if they are found to be a prohibited person. Additionally, law enforcement is already notified every time a person on the terrorist watchlist attempts to purchase a firearm. Law enforcement is then able to make a case by case determination on the appropriate follow-up for each circumstance.

Thank you for your attention and I ask that you oppose this unnecessary and unconstitutional piece of legislation.

Cordially,

Daniel S. Reid  
State Liaison

Cc: Members, Senate Committee on Public Safety, Intergovernmental, and Military Affairs

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**HB1813**

Submitted on: 3/18/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Moran	Individual	Support	No

Comments: Please support. If they are deemed too dangerous to fly on a commercial airplane, it is reasonable to say too dangerous to have a firearm

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Support	No

**Comments:**

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### **HB1813**

Submitted on: 3/18/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Isaacson	Individual	Oppose	No

Comments: To our shame, tens of thousands of Japanese Americans were incarcerated for being suspected of being loyal to Japan - no proof, no due process, no rule of law - and it seemed reasonable during WWII. The list HB1813 depends on is made in secret, lists people who have no way of knowing that they are on the list, no way of getting off the list, and no way to clear their name. In fact, most people on the list are not terrorists, but something we and they don't know about got them flagged. 91% of those on the list applying to purchase a firearm were successful, because they weren't really terrorists. People should be presumed innocent until proven guilty, and this bill presumes them to be guilty, and there isn't any due process available for them to prove that they shouldn't be on the list. This plainly unconstitutional bill should never have been introduced. Denying someone a basic civil right because they are suspected of wrongdoing was wrong in WWII and is still wrong today.

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**HB1813**

Submitted on: 3/18/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

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

Comments: This bill is unconstitutional. You can't take away a constitutional right with no due process.

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
WILLIAM MURPHY	Individual	Oppose	No

Comments: This bill allows for the capricious and arbitrary action of Government to remove Constitutional Rights from Citizens without due process of law. While possibly well intentioned it fails to protect the public of the State of Hawaii from Government incompetence in accurately listing Citizens in this database in that there is no recourse under Hawaii Law or in practical application Federal Law as written. Therefore, this legislation should not be passed. Thank you.

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

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

**Comments:**

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Glennon T. Gingo	Individual	Oppose	No

Comments: Strongly opposed. Opposition based on documented data system error rate of 38%. Error rate was discovered during an inspection and audit performed by the Inspector General's office. Discounting individual's constitutional rights is a fall out from a system with such glaring error rates. Aloha and Mahalo for your consideration.

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### **HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Rick Bratt	Individual	Oppose	No

Comments: Please vote no on this bill. The Terrorist Database and it's subset no fly list are fraught with errors and essentially useless. The government has created a secret list to deny fundamental constitutional rights to people without any due process. This is a system more akin to the old soviet union not the United States. I urge you to vote no. If a person is such a danger to society as to be placed on a secret list, then have law enforcement indict, arrest and convict. That is how our justice system works.

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### **HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Normand A Cote	Individual	Oppose	No

Comments: Aloha Senator Nishihara and PSM Committee Members, I am Opposed to HB1813 due to the fact, we are losing our Constitutional Rights without due process. Who is deciding I/we go on a no-fly list? Furthermore, how do I/we removed from the no-fly list? Random people do not get to take my Constitutional Rights away! WE must protect all American Constitutional Rights to due process! I think we all remember Senator Ted Kennedy was on the no-fly list. In addition, reports say the no-fly list has a 38% error. You can't negotiate with the feds, because the whole process is TOP SECRET. Respectfully, Normand A Cote Law Abiding Citizen

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Frey	Individual	Oppose	No

Comments:

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Greg Fujinaka	Individual	Oppose	No

Comments:

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### **HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Gregg Salter	Individual	Comments Only	No

Comments: Hawaii Bill 1813 is unconstitutional . The right to keep and bear arm is the second right under the United States Constitutional Bill of Rights. This right can only be taken away once an individual has been convicted of a felony in a court of law. Only a court of law can deprive an individual of this right , not a governmental committee or body. I would urge members of the Hawaii State legislature to respect that right of the individual and protect the U.S. Constitution.please do not give up the people's freedom for perceived safety , that way leads to neither freedom nor safety. Once our civil rights are taken ,the terrorists have already won whether they are on a watch list ,or not.

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Riley	Individual	Oppose	No

Comments: You are proposing a law that denies the right of due process, a Constitutionally guaranteed Right, not a privilege. Lose all your guns and gun rights if you are placed on the federal Terrorist No-Fly List. You won't know how you got on, and although proponents suggest you can get off, experience shows that is impossible. The list has a 38% error. There are many documented accounts of false positives. You can't negotiate with the feds, because the whole process is TOP SECRET. Where is the Constitutional protection of Due Process? I strongly oppose this unconstitutional law.

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
William R Smith	Individual	Oppose	No

Comments: Even as amended on 2/26/2016, I still strongly OPPOSE this bill. Check the vote on the third reading on 3/8/2016. I'm not the only one opposing this bill as amended. There are nine No votes, and all the ayes w/ reservations. Please do not pass this bill.

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Bowen Dickinson	Individual	Oppose	No

Comments: I strongly oppose this bill because, experience shows that is impossible to get off the list once you are on it. The list has a 38% error. You can't negotiate with the feds, because the whole process is TOP SECRET. Once your name goes on the list it stays on the list forever.

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Keola	Individual	Oppose	No

Comments:

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### **HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Peter J Long Jr	Individual	Oppose	No

Comments: To lose a right guaranteed by the Constitution due to the ultimate lack of due process found in the Federal No-Fly List is the highest of ironies. You won't know how you got on, and although proponents suggest you can get off, experience shows that is impossible. The list has a 38% error. You can't negotiate with the feds, because the whole process is TOP SECRET. And yet, the consequences are immediate and disastrous. I urge you to scrap this bill without delay. Thank you.

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Julie Folk	Individual	Oppose	No

Comments: I oppose this bill. It has no citizen control of who is on the list, why one is on it or how to correct it and remove oneself from it. It is open to be used as harrassment and a myriad of other abuses that take away a citizens rights, especially due process.

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

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

Comments: The second amendment right to keep and bear arms for the purpose of self-defense is applicable to the states through the due process clause of the fourteenth amendment. If a person properly obtained the required firearm permit, it is unconstitutional to require them to surrender or dispose of their firearms and ammunition pursuant to an administrative Terrorist No-Fly List that does not meet provide due process before affecting the person's rights. Moreover, you won't know how you got on the list; and although proponents suggest you can get off, experience shows that is impossible. The list has a 38% error rate. You can't negotiate with the federal agency, and the whole process is not transparent.

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### **HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

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

Comments: All concerned As concerned citizen of Hawaii interested in the shooting sports and the preservation of civil rights, I must ask that when this measure comes before your committee you consider carefully and then vote No on it. While the idea behind the bill may have some merit, the execution leaves much to be desired. Who can tell us why an individual is placed on the list? What is the criteria? the whole process is secret and most folks that find themselves listed find out by accident. it has occurred that nothing more than a similarity in names is all it takes. Senator Ted Kennedy was accidentally added one time. If one is listed incorrectly the process is very convoluted to get removed. It is all a dark operation. There is no due process as required Constitutionally. The measure states that firearms will be "temporarily" confiscated, yes it confiscation, upon entry to this list, but the process of getting firearms taken away wrongly by Law enforcement is long and drawn out. Many folks never get their property back. If the procedure were more open as to how one can find themselves "blacklisted" as it is, then perhaps it may be considered, but as it stands this is not workable and civil rights are being violated. Thank you and Aloha Gordon Fowler Aiea, HI

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### **HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephen T Hazam	Individual	Oppose	No

Comments: Please OPPOSE HB1813. NOBODY understands how someone gets on this list and some estimates are that there is up to a 38% error rate on this list. NOBODY really understands how to get off! While this sounds so appealing, this is fatally flawed. NO PERSON should be denied any right guaranteed by the US Constitution, without due process. This does not do this. I am STRONGLY OPPOSED to HB1813.

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

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

Comments: This is a terrible mistake. No fly list has a 38% error rate. There is no published criteria, or process for correcting a mistakenly listed idenvidusl off the list. Please kill this bill immediately.

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

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

Comments: This bill is a bad idea. Taking away someone's rights using a proven flawed database shouldn't even be under consideration in this country.

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

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

Comments: I STRONGLY oppose this bill.

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
David Soon	Individual	Oppose	No

Comments: The list has flaws, therefore the law is flawed. It's just that simple.

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### **HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lana Ululani Robbins	Individual	Oppose	No

Comments: Mahalo for the opportunity to testify in opposition to HB 1813. The purpose of HB 1813 states in part "The purpose of this Act is to temporarily disqualify a person who is included in the watchlist maintained by the Terrorist Screening Center of the Federal Bureau of Investigation from firearms ownership, possession, or control and rescind the disqualification upon the removal of the person from the watchlist." To date numerous people have been misplaced on the watchlist database and falsely accused of being a known or suspected terrorist. For example Rahinah Ibrahim a Malaysian architect with a doctorate from Stanford was wrongly added to the watchlist by the FBI. It is nearly impossible to be removed from the watchlist after being wrongfully added which deprives these individuals from due process of law. This is bad policy for the State of Hawai'i. For this reason, I oppose HB 1813. Mahalo for the opportunity to testify in opposition to HB 1813.

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February 24, 2016

To the Honorable Committee

I am writing concerning HB 1813 relating to firearms. I am strongly opposed to this bill.

This body should not be in the process of incrementally taking rights away from citizens. Due process requiring judicial input in a court of law should be required for all bills such as these which take away the peoples rights. Secret Federal decisions are not due process. Please review the 5<sup>th</sup> Amendment to the US Constitution regarding due process and do not pass this bill. I believe you should make your time worthwhile by repealing bills such as these and implementing the spirit and letter of the law in our US Constitution for the people of Hawaii. Thank you.

Sincerely,

Larry Fenton

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**HB1813**

Submitted on: 3/20/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Roger Lukas	Individual	Oppose	No

Comments: Constitutional rights should not be abrogated by secret governmental processes.

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### **HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Daniel MD	Individual	Oppose	No

#### Comments:

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Placement on the no fly/terroist list is not an accurate indicator of potential threat to safety of our citizens.  
The list has a high error rate and removal is almost impossible

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

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

Comments: I strongly oppose this bill as it denies common citizens due process to be placed on a government list without notification. If you're watching me is one thing but to deny me a right is wrong, wrong, and lastly wrong. Laughlin Tanaka

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Mayo	Individual	Comments Only	No

Comments: Sirs: I appreciate the work you are doing to make our islands a safer place for everyone; but the wording on this bill is vague and ill advised. The Terrorist No Fly List has been applied to citizens with no link to terror whatsoever. There appears to be nearly a 40% margin of error in this list and no one knows how or why they are put on.....it is all a complete mystery behind a veiled curtain. I strongly believe that this bill should be rewritten or scraped in its entirety. Thank you for your time. Thomas Mayo, Waialua.

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Okuda	Individual	Oppose	No

Comments:

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Koike	Individual	Oppose	No

Comments: This is a very unjust, and bad bill. We should never support Bills that undermine the Bill of Rights. This looks like another guilty until proven innocent Bill. With the proven innocent part, very difficult to perform.

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Barry Aoki  
761 Paunau Street  
Lahaina, Maui, HI 96761

March 21, 2016

OPPOSE HB1813

I am writing in to oppose HB1813.

The list is often time incorrect and there is no due process when a name is added to this watch list.

An error rate of over 35% is not acceptable for a law abiding citizen to lose their right to own or possess a firearm.

Pleas OPPOSE this bill.

Thank you very much.

A handwritten signature in black ink, appearing to be 'Barry Aoki', with a stylized, cursive script.

Barry Aoki

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

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

Comments:

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Quentin Kealoha	Individual	Oppose	No

Comments: OPPOSE

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Kaneshiro	Individual	Oppose	No

Comments: Respectfully request that due process of the law be followed before depriving anyone of their constitutional rights.

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### **HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kerry Nagai	Individual	Oppose	Yes

Comments: I am strongly opposed to this bill. The Terrorist Screening Base is unreliable and the federal general auditor found it has a large error rate. Also, individuals do not know if they are on the list, no one knows how they got placed on the list, and there isn't a process in place for getting off the list. In fact, just trying to find out why an individual was placed on the list is near impossible, which means trying to get off of the list IS impossible. Also, the ACLU sued the government and won. In June 2014, the court ruled the government's system for challenging inclusion on the No Fly List is unconstitutional. As a result, the government announced in April 2015 that it would tell U.S. citizens and lawful permanent residents whether they are on the list and possibly offer some reasons. However, the government's new redress process still falls far short of constitutional requirements because it denies those on the list meaningful notice, evidence, and a hearing. The ACLU has challenged the revised process as unconstitutional. Until the government fixes its unconstitutional new process, people on the No Fly List are barred from commercial air travel with no meaningful chance to clear their names, resulting in a vast and growing group of individuals whom the government deems too dangerous to fly but too harmless to arrest, which creates a substantial restriction on individual rights without even the appearance of due process. Why would the Hawaii legislature rely on an unreliable legally challenged list as a means of removing firearms from law abiding citizens. Why waste more tax payers money on a system, which clearly does not work?

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

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

Comments: Hello, I am opposed to this bill because it infringes on our constitutional rights without due process. Following the logic of this bill, why not confiscate the suspect's car and cell phone if they get onto the list? The rights to free speech is no more important than other constitutional rights. Thank you.

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### **HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
LD	Individual	Oppose	No

Comments: This bill is dangerous is because anyone can be added to this screening database without due process. To everyone supporting this bill, their names could also in fact be in the database without their knowing. How would that make them feel? Let me make clear, I don't want terrorists to have firearms! Obviously, it only makes sense to keep firearms out of their hands. But there needs to be a way that does not infringe on innocent, law-abiding citizens without some kind of due process. You can't just go by some secret list with an already unknown number of innocent people mistakenly placed on it. Especially when there's no procedure for those law-abiding Americans to be removed from it. An inaccurate list would be fallacy to follow. Please consider a more sensible bill that will prevent firearms from undesired individuals while keeping law-abiding citizens free to exercise their 2nd amendment rights. Mahalo!

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

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

Comments: Long ago Ted Tsukiyama, Esq., historian for the 442nd RCT, told a UH Manoa ROTC parade that he and other ROTC cadets reported for duty on December 7, 1941, won the Battle of Manoa Stream, then guarded Honolulu Harbor. His classmates included the late Sen. Daniel Inouye and Gov. George Ariyoshi. Days later the Japanese cadets were disarmed at gunpoint and sent home as potential enemies. Tsukiyama said that was the worst day of his life. It was worse on the Mainland where 100,000+ Japanese were interned for four years. The Nisei proved their loyalty at great cost. However WW2 mistreatment of innocent people left a residual hatred for the military and white people that lingers today. Recommend first finding out where people stand, then treating them accordingly. Treating everyone as an enemy overloads our counterintelligence and allows real enemies to escape like the 9/11 terrorists and the Boston Marathon bombers.

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

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

Comments: The way this bill is written our constitutional rights can be taken away without due process. If passed it will certainly be challenged in federal court and be struck down at which point the Hawaii taxpayers will be left with the legal bill of both parties.

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
scott shimoda	Individual	Oppose	No

**Comments:**

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald G Livingston	Individual	Oppose	No

Comments:

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Yokota	Individual	Oppose	No

Comments: I oppose this measure because it deprives people of their 2nd Amendment rights without due process. If passed as is, this measure would certainly be opposed by any number of civil rights groups.

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I oppose House Bill 1813 which would prohibit any individual whose name is added to the Terrorist Watch list from owning or possessing firearms. This secret government list would potentially strip law-abiding individuals of their constitutional rights without due process.

This proposed law totally ignores an individual's right to due process of the law and allows a secret government list to decide on whether a person can exercise Second Amendment rights.

3/21/16

RE: **HB1813**

I am a security professional.

Recently, I was physically assaulted by an individual who put his fist through my vehicle driver's side window.

This bill does not provide for due process.

It removes the right of self defense in the case of imminent danger.

This bill is based upon the false premise that all those involved in government have good and just intent.

Obviously, not all in government have good and just intent, therefore in providing government with such over reach, you are providing for the misuse of such power.

The fore fathers knew that that if you give too much over reaching power to government, government will misuse it. That is why they provided for unique cases by allowing the opportunity to obtain a search warrant.

This way, a court, rather than an individual, agency or group with an agenda, could decide whether there appears to be justifiable cause to interfere with otherwise protected constitutional rights.

It is incumbent upon the State of Hawaii to maintain this basic constitutional principle.

This bill should not be passed. The state of Hawaii should not be complicit in unconstitutionally removing such sacred rights.

Sincerely,

David R. Hamman  
Integrity Key Lock & Safe  
808-635-5111



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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dan Goo	Individual	Oppose	Yes

Comments: I am oppose to this bill as there is no check and balance on how you get on this list and if you are on this list by mistake, how do you get off this list. I am not against anyone who we have solid evidence they are a threat to society but this No Fly List has shown to have people on it who should not. I have a friend who was not allowed to registered for a semester of classes as he is getting his MBA. He wrote letters and demanded to see the Dean of Schools, make a long store short, he found out that they were 3 people in the school with the same name and he was not the one that was on probation. He missed a semester and finally got it cleared up. A great example of mis-identity.

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Judy Goo	Individual	Oppose	Yes

Comments: I am against this bill until the No Fly list can be determined to be accurate and if you are on it by mistake you will be able to get off this list. I am not against any terrorist not being able to get firearms, but due process and individual rights needs to be respected.

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### **HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Leon E Hallacher	Individual	Comments Only	No

Comments: I write in opposition to HB 1813. On the surface it seems reasonable but it is only as reasonable as the Terrorist No-Fly List is accurate and is reasonably possible to get off of if an error has been made. The No-Fly list is reported to be far from accurate (some estimates suggest an error rate in excess of 35%) and has no reasonable series of steps by which erroneous inclusion can be challenged. You must, if you believe in the US Constitution's protections of individual civil rights, VOTE NO on HB 1813. Leon E. Hallacher

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Castro	Individual	Oppose	No

Comments:

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jacob Holcomb	Individual	Oppose	No

Comments: Secret government lists are a threat to a free society. Why do we wish to bring back McCarthyism?

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Shaheen Mulkern	Individual	Oppose	No

Comments:

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Mulkern	Individual	Oppose	No

Comments:

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Davis Benjamin Reeder	Individual	Oppose	No

Comments: As currently written, this bill will remove all gun rights from an individual who is placed on the federal terrorist no-fly list. Problems: (1) An individual can be placed on the list without his knowledge and without due process; (2) This list has a 38% error rate; (3) Based on experience, it is practically impossible to get off the list; (4) The list is classified and not a matter of public record, further complicating corrections to the list in a straight-forward manner in the courts. Gun ownership is a 2nd Amendment right that is to be protected by each law at the state and federal level. Citizens have the right to due process under the law under all circumstances. The bill should be amended to require a court order to place a citizen's name on the list, and a well-documented appeals process to correct errors in the list.

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kimo Gugudan	Individual	Comments Only	No

Comments: Oppose this bill

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
jason shin	Individual	Oppose	No

Comments:

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Matt	Individual	Oppose	No

Comments: This law would make it extremely difficult to restore your rights in the even that your name was placed on the list by mistake or as an alias. There is little in the way of due process.

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**HB1813**

Submitted on: 3/21/2016

Testimony for PSM on Mar 22, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Robert A Roman Jr	Individual	Oppose	No

Comments:

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