



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

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2629, H.D. 2, S.D. 1, RELATING TO CRIMINAL HISTORY RECORD CHECKS.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY AND LABOR

**DATE:** Wednesday, March 30, 2016

**TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S): WRITTEN TESTIMONY ONLY.**

(For more information, contact Liane Moriyama, Administrator,  
Hawaii Criminal Justice Data Center, at (808) 587-3110)

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Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General supports this bill.

The purpose and intent of this bill is to promote public safety by authorizing the county police departments in Hawaii to enroll firearm applicants and individuals who are registering their firearms into the “rap back” program. This program will alert the appropriate police department when an owner of a firearm is arrested for a criminal offense anywhere in the country. The department can then proactively monitor that case, as needed, to determine if the firearm owner is disqualified to own the firearm. Appropriate steps can then be taken to remove the firearm from that person’s possession.

To facilitate state and federal criminal history background checks, the Hawaii Criminal Justice Data Center (HCJDC) has developed a standard protocol, which has been approved by the Federal Bureau of Investigation, to ensure the notification of the proper authority for these checks. The wording in H.B. No. 2629, H.D. 2, S.D. 1, is consistent with this protocol.

We urge the committee to pass this bill.

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.honolulu.hawaii.gov](http://www.honolulu.hawaii.gov)



KIRK CALDWELL  
MAYOR

LOUIS M. KEALOHA  
CHIEF

MARIE A. McGAULEY  
CARY OKIMOTO  
DEPUTY CHIEFS

OUR REFERENCE RR-DNK

March 30, 2016

The Honorable Gilbert Keith-Agaran, Chair  
and Members  
Committee on Judiciary and Labor  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 016  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

SUBJECT: House Bill No. 2629, H.D. 2, S.D. 1, Relating to Criminal History Record Checks

I am Richard C. Robinson, Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 2629, H.D. 2, S.D. 1, Relating to Criminal History Record Checks.

Currently, a thorough background check is conducted on all applicants to acquire a firearm. However, once the initial background check has been completed, no further checks are conducted on the firearm owner once the permit has been issued. As a result, the county police departments have no way of knowing if a current Hawaii firearm owner has been convicted of crime in another state that would prohibit him or her from owning a firearm.

The proposed change would allow county police departments to enroll new firearm applicants into the Rap Back program administered by the Federal Bureau of Investigation. The Rap Back program will provide a mechanism to alert the county police departments when the owner of a firearm is arrested for a criminal offense anywhere in the country. This notification will allow the county police departments to monitor the case and, upon conviction, evaluate if the firearm owner may continue to legally possess and own firearms.

*Serving and Protecting With Aloha*


The Honorable Gilbert Keith-Agaran, Chair  
and Members  
Committee on Judiciary and Labor  
March 30, 2016  
Page 2

This change will in essence provide an ongoing background check on firearm owners to determine their eligibility to own and possess a firearm.


The Honolulu Police Department urges you to support House Bill No. 2629, H.D. 2, S.D. 1, Relating to Criminal History Record Checks.

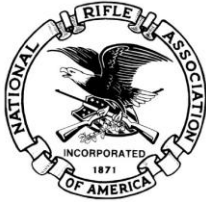
Thank you for the opportunity to testify.

Sincerely,

  
Richard C. Robinson, Major  
Records and Identification Division

APPROVED:

  
\_\_\_\_\_  
Louis M. Kealoha  
Chief of Police



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 29, 2016

The Honorable Gilbert Keith-Agaran  
Chair, Senate Committee on Judiciary and Labor  
Sent Via Email

Re: House Bill 2629 – OPPOSE

Dear Mr. Chairman:

On behalf of the Hawaii members of the National Rifle Association, I strongly oppose House Bill 2629.

HB 2629 would expand the existing registration requirements for gun owners, requiring individuals to pay increased fees and be subjected to constant monitoring in a biometric database managed by the FBI. Positive hits in this system have not necessarily been adjudicated and could cause issues with an individual's ability to exercise their constitutional rights.

The system is not currently utilized anywhere else in the country for monitoring of those choosing to exercise a constitutional right, instead it is generally reserved for monitoring persons in positions of trust. In addition to those who reside in Hawaii permanently, any person who has registered a firearm in Hawaii would be subject to constant monitoring, including visitors, temporary residents and military. Keep in mind, criminals who acquire firearms illegally, will continue to operate outside the system and not be subject to such a draconian policy.

Thank you for your attention and I ask that you oppose this bill.

Cordially,

Daniel S. Reid  
State Liaison

# HAWAII RIFLE ASSOCIATION

P.O. BOX 543 KAILUA, HAWAII 96734

Phone: (808) 306-7194

Established in 1857

March 28, 2016

Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S. L. Shimabukuro, Vice Chair  
Committee on Judiciary and Labor

Honorable Chair, Vice Chair and Committee Members:

The Hawaii Rifle Association is **STRONGLY OPPOSED** to **HB 2629** The "Rap Back" system, for the following reasons:

- \* It enrolls law abiding applicants for firearms permits into a Federal Database to track criminal activity.
- \* **It violates Federal law**, which protects all legal firearms owners from being placed in a Federal firearm owners database. **The law is the "Firearms Owner's Protection Act of 1986"**.
- \* No other state in the United States is using this mechanism to track firearms, most likely because they have realized that doing so violates Federal Statutes.
- \* HPD Major Richard Robinson stated in Senator Nishihara's PSM hearing that the database will include the applicant's name, identifying demographics, such as birth date and physical characteristics and the category listed will be firearms. **This violates the Federal Statute above.**
- \* If passed an additional fee will be charged to each applicant for a firearms permit. The fee indicated is around \$ 50.00.
- \* If passed this becomes an unfunded mandate on HPD to assign HPD firearms staff to track all of the hits that come in from the Rap Back system and to track them through to dismissal or conviction, a very time consuming and unnecessary endeavor.

**PLEASE KILL THIS BILL.**

Submitted by,

Harvey F. Gerwig, President  
Hawaii Rifle Association  
Cell: (808) 306-7194  
Email: ( hghawaii@gmail.com )

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**HB2629**

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments: Absolutely oppose. We are legal, law abiding firearms owners not potential criminals to be listed in a database. Practicing a Constitutional right should not require payment permits or being "listed".

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### **HB2629**

Submitted on: 3/28/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments: Hawaii already has some of the most restrictive firearms laws in the nation, and registration is by far the least useful. Honest gun owners and shooters already give permission to the police to search through their lives, and do so with the confidence that nothing will be found. If honest gun owners are enrolled in more data search programs, nothing will be found there, either, turning the Rapback fee into a monetary charge to exercise a basic civil right. And guess what? No honest gun owners will be found to be criminals. What registration can't do, besides prevent crime, is stop criminals from getting guns and other weapons. Criminals don't have to register firearms because that's against their fifth amendment rights against self-incrimination, according to SCOTUS. So the very people who are going to cause us all the most trouble aren't going to show up in the registration system or background checks, so all the checks are doing is hassling honest people - not good value for the dollar. More troubling, the real horrifying folks - mass murderers - who tend to plan very carefully how they will trap innocent people in gun free zones to kill them, know how to fly under the radar, and often pass background checks. We only know that they are dangerous and crazy when they put their plans into action. Frankly, gun owners are tired of being treated like pariahs by people with very little understanding of history and civil liberties. The gun owners I know are good people, productive citizens who contribute to the betterment of their communities. Assuming that they will likely commit a crime somewhere, sometime, and charging them for data searches that will turn up nothing is a big waste of resources. Go after the criminals - everyone will thank you.

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**HB2629**

Submitted on: 3/28/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

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**HB2629**

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments:

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**HB2629**

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments: Why would I be in a criminal monitoring database? I'm not a criminal!

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**HB2629**

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments:

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**HB2629**

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments: No other State uses this system for firearms registration. The fee proposed is a tax on a Constitutional Right. It creates an illegal, permanent Federal list of firearm owners

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**HB2629**

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
George Pace	Individual	Oppose	No

Comments:

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## **HB625**

Submitted on: 3/28/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Henry Bennett	Individual	Oppose	No

Comments: RE: Firearms bills--HB 625, 626, 2629, and 2632 As currently presented, all four of these bills should be stopped. HB 625 and 626 are simply WRONG to allow possibly minor infractions to eliminate a significant constitutional right. HB 2629 would allow infraction charges, rather than only convictions, to eliminate a significant constitutional right--and we should NOT be financially charged to exercise a constitutional right. HB 2632 would allow the loss of a constitutional right without due process, possibly for some basic medical issues. I have seen comments indicating this could allow the loss of a constitutional right simply on the opinion of a police officer--if this is true this should NEVER be acceptable. None of the above should be acceptable. Mahalo, Henry Bennett

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**HB2629**

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments:

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**HB2629**

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments: If you think this is a great bill then you can pay the fee's for me. There is no fee in freedom.

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Testimony on HB 2629 HD2, SD1

Before JDL, Rm 229, March 30, 2016

IN OPPOSITION

Hon. Chair, Vice Chair, Members,

This bill provides for the FBI and Hawaii County Police to violate the provisions of the Firearms Owners' Protection Act of 1986 prohibiting federal record keeping of firearms owners.

"No such rule or regulation prescribed after the date of the enactment of the Firearms Owners' Protection Act may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established."

HB 2629 HD2 requires the county police to enroll all gun permit applicants and those registering firearms in "Rap Back," a FBI data base of individuals arrested anywhere in the US, including on misdemeanor and even some civil charges. A fee of approximately \$50 will be charged. The system is used now to screen job applicants for sensitive jobs, like foster parents, etc. No state currently uses it for firearms acquisitions. HRA OPPOSES. It creates a permanent federal list of firearms owners and charges a fee for exercising a civil right.

Mahalo,

Dr. Maxwell Cooper

225-6944

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**HB2629**

Submitted on: 3/28/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Michael A. Wee	Individual	Oppose	No

Comments: You propose enrolling law-abiding gun owners in another government database? No thank you! I OPPOSE this measure!

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**HB2629**

Submitted on: 3/28/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments: Please support & in force ASAP. Mahalo, Mike Moran Kihei

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**HB2629**

Submitted on: 3/28/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mr. Sosta	Individual	Oppose	No

Comments: I strongly oppose this bill that will add further burden to lawful firearms owners in the state. Gun owners are already made to jump through too many hoops in order to exercise a right guaranteed by both the U.S. and Hawaiian constitutions.

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**HB2629**

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments:

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**HB2629**

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments:

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**HB2629**

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments:

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HB 2629

The registration has no proven value as other states do not use it. Needless expense to gun owner.



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**HB2629**

Submitted on: 3/29/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
ROBERT KAY	Individual	Oppose	No

Comments: I understand the importance of tracking arrests but I am outraged that every gun owner must pay for this with a \$50 fee. If this is so important why doesn't the HPD or the Leg pay for it? This is patently unfair.

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**HB2629**

Submitted on: 3/29/2016

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

Comments:

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**Date:** Tuesday, March 29, 2016 1:10:06 PM

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**HB2629**

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Todd Yukutake	Individual	Oppose	No

Comments: I oppose this bill as it will tax gun owners for something that does not benefit them. Amend the bill where the state, police, or criminals are responsible for paying the fee.

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**HB2629**

Submitted on: 3/29/2016

Testimony for JDL on Mar 30, 2016 09:30AM in Conference Room 016

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

Comments: This measure is redundant with the existing background check system. It places an additional burden on legal owners of firearms. I oppose the proposed change to the current background check system and encourage your voting against this measure. Thank you. William Murphy, Wahiawa, HI.

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