



March 30, 2016

Dear Chairman Keith-Agaran and members of the Judiciary and Labor Committee:

I am writing in support of House Bill 625, a bill that would add important protections for Hawaii victims of sexual assault and stalking.

In November 2006, Daysha Aiona Aka was shot and killed in Hilo, Hawaii by her ex-boyfriend and the father of her child, Jeffrey Santos. Aiona Aka had survived six years of physical abuse and stalking by Santos, and had previously been granted two restraining orders against him. Because they had a child together, Aiona Aka would occasionally see Santos so that he could spend time with his son. After she failed to come home from a scheduled visit with Santos, Aiona Aka's family reported her missing. Shortly after, she was found dead from a gunshot wound to the head and Santos was convicted for her murder and sentenced to 50 years in prison.¹

This story is not unique. Women in the United States face unparalleled risks of gun violence: Five women are murdered with a gun each day in the United States.² These are not random acts of violence, but often occur in the context of intimate partner violence. According to FBI data, from 2003 through 2012, more than 40 percent of women who were murdered in Hawaii were killed by an intimate partner. Access to firearms by abusers dramatically increases the risk that a woman will be killed. During the same period, 30 percent of these intimate-partner-related homicides of Hawaii women were committed with a gun.³

This increased risk of homicide by a domestic abuser when a gun is present has led to the enactment of laws at the federal and state level in many states, including Hawaii, to limit access to guns by some abusers. But despite the strength of these laws, gaps remain that fail to protect women who have been victims of the related crimes of stalking and sexual abuse—crimes that are too often part and parcel of the type of abuse experienced by victims of intimate partner violence.

Stalking is often the first step in an escalating pattern of dangerous and abusive conduct, particularly in the intimate partner context. A study of female murder victims in 10 cities found that 76 percent of murdered women and 85 percent of women who survived a murder attempt by a current or former intimate partner experienced stalking in the year prior to the murder.⁴ Another study found that 81 percent of women stalked by a current or former intimate partner were also physically abused by that person.⁵ These data demonstrate that while stalking may appear to be low-level, nonviolent behavior that does not warrant a strong response from the criminal justice system, this conduct is often the first step in an escalating course of conduct that too often tragically results in murder. This risk of stalker-turned-murderer has played out in a number of cases across the country. For example, In December 2014, Valerie Morrow was shot and killed in Glenolden, Pennsylvania by her ex-boyfriend, Stephen Rozniakowski, a police officer with a history of stalking behavior. Just hours before the shooting, Rozniakowski was issued a protective order to stay away from Morrow, and he was due in court later that week for a separate stalking investigation.⁶ In July 2014, Amanda Salas was shot and killed by her ex-boyfriend in Ocean Springs, Mississippi after trying to obtain a protective order following weeks of escalating stalking.⁷

Hawaii has already enacted some strong laws to help keep guns out of the wrong hands, including by prohibiting

individuals subject to domestic violence restraining orders from buying and possessing guns.⁸ However, serious gaps remain that leave many women vulnerable to lethal violence at the hands of stalkers. With House Bill 625, Hawaii has the opportunity to close the loophole that increases the lethality of perpetrators of stalking and sexual assault misdemeanor crimes by allowing them access to guns. This bill would help protect both women and men from fatal gun violence by preventing individuals convicted of misdemeanor crimes of stalking or sexual assault from buying and possessing guns. This simple measure would be an important step forward in better protecting Hawaii's citizens from fatal gun violence.

Respectfully,

Chelsea Parsons
Vice President, Guns and Crime Policy

¹ Kevin Dayton, "Big Isle man charged in murder," *Honolulu Advertiser*, November 4, 2006, available at <http://the.honoluluadvertiser.com/article/2006/Nov/04/In/FP611040353.html>; "Parole Authority reduces minimum murder sentence," *Hawaii News Now*, September 12, 2013, available at <http://www.hawaiinewsnow.com/story/23416697/parole-authority-reduces-minimum-murder-sentence>.

² Centers for Disease Control and Prevention, "WISQARS™ (Web-based Injury Statistics Query and Reporting System) Fatal Injury Reports," available at http://www.cdc.gov/injury/wisqars/fatal_injury_reports.html.

³ Chelsea Parsons and Arkadi Gerney, *Women Under the Gun* (Washington: Center for American Progress, 2014), available at <https://cdn.americanprogress.org/wp-content/uploads/2014/06/GunsDomesticViolencereport.pdf>.

⁴ Judith M. McFarland and others, "Stalking and Intimate Partner Femicide," *Homicide Studies* 3 (4) (1999): 300–316.

⁵ Chelsea Parsons and Arkadi Gerney, *Women Under the Gun*, p. 13.

⁶ "DA to Seek Death Penalty Against Former Officer Charged in Ex-Girlfriend's Death," *NBC News*, September 15, 2015; Laura McCrystal, "Ex-Delco officer, awaiting murder trial, admits stalking in separate case," *Philly.com*, November 11, 2015, available at http://articles.philly.com/2015-11-11/news/68166470_1_murder-trial-stalking-case-murder-case.

⁷ "Alabama man dead after a murder-suicide in Mississippi," *WBRC*, March 30, 2014, available at <http://www.wbrc.com/story/25112410/alabama-man-dead-after-a-murder-suicide-in-mississippi>; "Shooting victim opens up about his girlfriend's murder," *World Now*, March 31, 2014, available at <http://raycomgroup.worldnow.com/story/25123392/shooting-victim-opens-up-about-the-shooting-that-took-his-girlfriends-life>.

⁸ Law Center to Prevent Gun Violence, "Prohibited Purchasers Generally in Hawaii," available at <http://smartgunlaws.org/prohibited-purchasers-generally-in-hawaii/>.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc:
Subject: Submitted testimony for HB625 on Mar 30, 2016 09:30AM
Date: Wednesday, March 30, 2016 2:04:05 AM

HB625

Submitted on: 3/30/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
aaron shefte	Individual	Comments Only	No

Comments: Senator, in my view current laws are adequate and I oppose this bill. Additionally the constitution states clearly that the right of the people to keep and bear arms shall not be infringed. As an elected official you swore an oath and have to uphold the Constitution and I expect you to do so. thank you for your kind attention.

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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Subject: Submitted testimony for HB625 on Mar 30, 2016 09:30AM
Date: Tuesday, March 29, 2016 9:23:10 PM

HB625

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
Brian Lau	Individual	Oppose	No

Comments: Bill is too broad. Reconsider if 4th degree stalking is removed.

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Date: Tuesday, March 29, 2016 6:22:36 PM

HB625

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
Dan Goo	Individual	Oppose	No

Comments: How can a misdemeanor level offense be allowed for the State to take away your 2nd Amendment right.

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Date: Wednesday, March 30, 2016 2:10:34 AM

HB625

Submitted on: 3/30/2016

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

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

Comments:

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Subject: *Submitted testimony for HB625 on Mar 30, 2016 09:30AM*
Date: Tuesday, March 29, 2016 4:16:18 PM

HB625

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
Debbie Okamura	Individual	Oppose	No

Comments:

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Date: Wednesday, March 30, 2016 10:03:51 AM

HB625

Submitted on: 3/30/2016

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

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

Comments: House Bill 625 would expand prohibited possessors to include certain misdemeanor crimes. Constitutional rights are generally restricted only upon conviction of a felony. The reasons for this are two-fold. It limits restrictions on constitutional rights to only the most serious offenses, and, perhaps more importantly, felony convictions provide greater procedural protections to the accused, which results in more reliable convictions. The right to keep and bear arms should not be treated as a second-class right and should be restricted only upon conviction of a felony like the right to vote, to serve on a jury, and to hold public office.

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Date: Tuesday, March 29, 2016 7:23:52 PM

HB625

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
Jason	Individual	Oppose	No

Comments: As you are well aware by the oath you swore when you took office to uphold and defend the constitution of these United States from enemies foreign and domestic. As an elected official you are required to operate within the confines of the law of the land the constitution and I require that you do exactly that. Paraphrasing, the right of the people to keep and bare arms shall not be infringed. Thank you for your kind attention

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Date: Tuesday, March 29, 2016 6:17:01 PM

HB625

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
Judy Goo	Individual	Oppose	No

Comments: How is it that by unwanted text messages your 2nd amendment right can be taken away. There must be an offense that is much higher to warrant this action.

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HB625

Submitted on: 3/30/2016

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

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

Comments: I oppose HB625 which would make misdemeanor stalking a disqualifier for firearm ownership. I looked at two of the studies cited in the bill, which suggest that violence towards women is often preceded by stalking, and therefore stalking should disqualify a person from legally possessing a firearm. What stands out? Prior physical violence against the woman was just as common, and obviously more dangerous, and harmful than stalking. And yet, the most frequent means of violence is "no weapon." The use of a firearm in intimate violence is VERY rare, and gun/knife/stab wounds are VERY rare. Furthermore, if a man has decided to go beyond abuse and murder a woman, do you think precluding him from legally possessing a firearm is going to stop him? The best defense for the woman being stalked is a firearm and proper training. When you neutralize the size/strength advantage of the average man over the average woman, women will be safer. Do not take away one person's essential freedom based on a misdemeanor because another who has committed the same misdemeanor has then gone on to do something worse. Stalking and Intimate Partner Femicide study: A quote: "It remains unclear who will be a stalker and what relationship stalking behavior has with severity of injury or death of the victim." It also shows that 77% of femicides were preceded by physical assault. "Although both stalkers and nonstalkers were reported as extremely violent in this sample, the task now is to identify the singular contribution of stalking toward intimate partner femicide and attempted femicide.... Efforts are urgently need to compile detailed information on stalking and intimate partner violence." DOJ Violence by Intimates (1998): Beureau of Justice stats estimating the breakdown of the outcome of intimate violence: (page 21) Rape/sexual assault: 6% Gun, knife, or stab wound: 0.5% Other serious injury: 4% Other injury: 41% Non injured: 49%. In another table showing weapon used in intimate violence, breakdown: No weapon 73.5% Firearm: 1.1% Knife/Sharp 7.4% Bat or other object to hit: 9.6% Other: 2.9% Not recorded: 5.6% What stands out? The most frequent means of violence is "no weapon." The use of a firearm is VERY rare, and gun/knife/stab wounds are VERY rare.

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HB625

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
Lyle Hlromoto	Individual	Oppose	No

Comments:

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Date: Tuesday, March 29, 2016 6:21:07 PM

HB625

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
Phil Ramil	Individual	Oppose	No

Comments:

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Date: Wednesday, March 30, 2016 10:32:35 PM

HB625

Submitted on: 3/30/2016

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

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

Comments: oppose. not well thought out to protect both victim and suspect rights.

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HB625

Submitted on: 3/30/2016

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

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

Comments:

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Date: Tuesday, March 29, 2016 10:29:03 PM

HB625

Submitted on: 3/29/2016

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

Comments:

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Date: Tuesday, March 29, 2016 9:52:39 PM

HB625

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
Tom Lodge	Individual	Oppose	No

Comments: Please Defer or kill this bill. The possibilities for revenge charges of stalking, the possibility of overcharging for a crime because someone makes one too many phone calls, possibly is very real, especially here in Hawaii, and we don't have a high crime rate involving firearms, in fact we are probably the lowest in the nations Hawaii Gun Owners have gone through rigorous background checks, much more than anywhere else. This is sufficient means to determine if you have a right to own a firearm. Please either Defer or Table this bill. Thank you, Tom Lodge

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