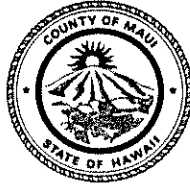




# SB2956

Measure Title:	RELATING TO FIREARMS.
Report Title:	Firearms; Mental Illness; Surrender of Firearms
Description:	Requires firearm owners who have been disqualified from owning a firearm due to mental illness to immediately surrender their firearms to the chief of police upon notification and authorizes the chief of police to seize the firearms if the owner fails to comply.
Companion:	
Package:	None
Current Referral:	PSM, JDL
Introducer(s):	ESPERO, Baker, Inouye, Nishihara

ALAN M. ARAKAWA  
Mayor



JOHN D. KIM  
Prosecuting Attorney  
ROBERT D. RIVERA  
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY  
COUNTY OF MAUI  
150 S. HIGH STREET  
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CONTACT: RICHARD K. MINATOYA  
Deputy Prosecuting Attorney  
Supervisor, Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY  
ON  
SB 2956 - RELATING TO FIREARMS

February 11, 2016

The Honorable Clarence K. Nishihara  
Chair  
The Honorable Will Espero  
Vice Chair  
and Members  
Senate Committee on Public Safety, Intergovernmental and Military Affairs

Chair Nishihara, Vice Chair Espero, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, **STRONGLY OPPOSES**  
SB 2956 - Relating to Firearms.

Thank you very much for the opportunity to provide testimony on this bill.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [PSMTestimony](#)  
**Cc:** [HGHAWAII@GMAIL.COM](mailto:HGHAWAII@GMAIL.COM)  
**Subject:** Submitted testimony for SB2956 on Feb 11, 2016 13:15PM  
**Date:** Tuesday, February 09, 2016 5:35:54 PM

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**SB2956**

Submitted on: 2/9/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

Submitted By	Organization	Testifier Position	Present at Hearing
Harvey Gerwig	Hawaii Rifle Association	Oppose	No

Comments: RAP BACK: The Hawaii Rifle Association STRONGLY OPPOSES this measure for the following reasons: (1) It enters law abiding gun owners in a criminal data base. (2) Positive hits in this system are not necessarily adjudicated when placed in the system. (3) If hits are properly indicated as "held over", "arraigned", or "convicted" and the crime is a disqualifier under HRS 134, then and ONLY THEN should the person's Second Amendment Rights be withheld (4) We highly recommend that there be a DEFERRED status added to this bill to accommodate a questionable entry in the system. This would prevent the confiscation of a law abiding citizens firearms for an error in the new system, or a questionable situation. This will also avoid unnecessary lawsuits. (5) NO FEES should be charged to applicants for Permits to Acquire. This is a Core Constitutional right and fees charged to exercise those rights should not be allowed. (6) We do not believe this system is being used anywhere else in the country for gun registration purposes. (7) It is simply one more hurdle for law abiding citizens to overcome to exercise their rights. Thank you, Harvey Gerwig, HRA President

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**To:** [PSMTestimony](#)  
**Cc:** [dreid@nrahq.org](mailto:dreid@nrahq.org)  
**Subject:** Submitted testimony for SB2956 on Feb 11, 2016 13:15PM  
**Date:** Wednesday, February 10, 2016 6:26:39 AM

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**SB2956**

Submitted on: 2/10/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Reid	NRA	Oppose	No

Comments: The NRA is opposed to SB 2956 due to grave concerns regarding due process rights as well as the expansion of prohibited persons to include anyone who has undergone emergency hospitalization. This expansion for emergency hospitalization is vague and could entrap a person who has suffered something as common as diabetic shock to suddenly lose their Second Amendment rights simply for receiving care.

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**Cc:** [david@kingdonconsulting.com](mailto:david@kingdonconsulting.com)  
**Subject:** Submitted testimony for SB2956 on Feb 11, 2016 13:15PM  
**Date:** Monday, February 08, 2016 3:21:22 PM

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**SB2956**

Submitted on: 2/8/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

Submitted By	Organization	Testifier Position	Present at Hearing
David Kingdon	Individual	Support	No

Comments: As a paramedic and injury prevention specialist, I support any reasonable initiative to prevent injury and/or violence. This proposed legislation appears to fall into this category and thus merits strong consideration.

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**Subject:** \*Submitted testimony for SB2956 on Feb 11, 2016 13:15PM\*  
**Date:** Tuesday, February 09, 2016 10:58:54 AM

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**SB2956**

Submitted on: 2/9/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments:

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**From:** [E. Funakoshi](#)  
**To:** [PSMTestimony](#)  
**Subject:** HEARING 2-11-16, 1:15pm, Rm. 229  
**Date:** Tuesday, February 09, 2016 12:21:41 PM

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**PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

**Sen. Clarence Nishihara, Chair**

**Sen. Will Espero, Vice Chair**

**SB2956 Firearms; Mental Illness; Surrender of Firearms  
SUPPORT**

Aloha Chair Nishihara, Vice Chair Nishihara, and Committee Members:

I am e. ileina funakoshi writing to support SB2956.

Thank you for this legislation. It is difficult to diagnose mental illness in many cases and quick action is needed to remove the firearm from anyone diagnosed with that condition.

A gun in the hands of someone who cannot judge logically can cause such devastation and heartbreak, often with no recourse for the victims.

Personally, with the amount of violence in our country today, only individuals with gaming licenses should own guns. I know its a national issue, but we live in very hazardous times.

Thank you for the opportunity to submit my opinion.

Mahalo and Aloha,  
e. ileina funakoshi

*Requires firearm owners who have been disqualified from owning a firearm due to mental illness to immediately surrender their firearms to the chief of police upon notification and authorizes the chief of police to seize the firearms if the owner fails to comply.*

Bill text: [http://www.capitol.hawaii.gov/session2016/Bills/SB2956\\_.pdf](http://www.capitol.hawaii.gov/session2016/Bills/SB2956_.pdf)

**From:** [Troy Abraham](#)  
**To:** [PSMTestimony](#)  
**Subject:** Support passing SB2198, SB2954, SB2956, SB2632  
**Date:** Tuesday, February 09, 2016 11:02:35 AM

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Would you be willing to consider passing and supporting better regulations for for firearms in hawaii? It'll benefit the safety of the people with it's passage. Thanks for your consideration aloha.



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**Cc:** [jonagustine\\_lim@yahoo.com](mailto:jonagustine_lim@yahoo.com)  
**Subject:** Submitted testimony for SB2956 on Feb 11, 2016 13:15PM  
**Date:** Monday, February 08, 2016 9:42:50 PM

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**SB2956**

Submitted on: 2/8/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

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

Comments: I strongly oppose this firearms confiscation bill. It should be greatly amended or killed. While I support removal of firearms from involuntarily committed mental illness patients, this bill is too broad. There should also be language added that firearms are to be returned once the patient is no longer adversely affected by mental illness.

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**SB2956**

Submitted on: 2/8/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

Submitted By	Organization	Testifier Position	Present at Hearing
tony lee	Individual	Oppose	No

Comments: Strongly oppose

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**Date:** Monday, February 08, 2016 11:11:05 PM

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**SB2956**

Submitted on: 2/8/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

Submitted By	Organization	Testifier Position	Present at Hearing
Brendon Heal	Individual	Oppose	No

Comments: I would like to strongly oppose this bill. It is far too overreaching and vague in it's scope. This will allow people's rights to be forcefully surrendered with no due process of law. Firearms would be confiscated at the mere arbitrary disqualification. There has been many instances this past year of many many people wrongfully disqualified for firearms permits because of a 'misunderstanding' between Kaiser healthcare and HPD. Every one of these people would have to be forced to surrender all firearms and stripped of their rights to self protection. This is unacceptable. The problem of MENTAL HEALTH needs to be addressed, NOT firearms ownership. Legislators, please work on that issue. Not 2nd Amendment RIGHTS. Thank you.

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Subject: Submitted testimony for SB2956 on Feb 11, 2016 13:15PM  
Date: Monday, February 08, 2016 11:34:36 PM

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**SB2956**

Submitted on: 2/8/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

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

Comments: Aloha, I would like to submit testimony in STRONG OPPOSITION to this bill! Although, on the surface, this bill seems to make sense being that we do not want to have the mentally ill having unrestricted access to firearms, I believe the reach, scope, and details of this bill are very poorly designed. It is my strong belief that even if a person's mental faculties are compromised, any legally purchased firearms should not be confiscated unilaterally. As these are items of value, not unlike a car or other real property, firearms should not be seized as something dissimilar to other real property of value. Certainly, the firearms should not go into the possession of the Chief of Police. First of all, Due Process should ALWAYS be unwaveringly allowed. Secondly, any real property (including firearms) should be able to be transferred to another party, of the subject's choosing, legally able to own and possess firearms. Additionally, said firearms should be able to be transferred back to the original owner if/when they are declared of sound mind to be in possession of firearms once again. This would not happen at all if the Chief of Police took possession of the property. We do not need more government seizures or control regarding matters such as these. Common sense, and proper legal paperwork should prevail with due process. DO NOT PASS THIS BILL! Passionately and Sincerely, Jacob Stewart

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**Cc:** [Jason@jasonwolford.com](mailto:Jason@jasonwolford.com)  
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**Attachments:** [mental](#)

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**SB2956**

Submitted on: 2/9/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

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

Comments: I would like to strongly oppose this bill. It is far too overreaching and vague in it's scope. This will allow people's rights to be forcefully surrendered with no due process of law. Firearms would be confiscated at the mere arbitrary disqualification. There has been many instances this past year of many many people wrongfully disqualified for firearms permits because of a 'misunderstanding' between Kaiser healthcare and HPD. Every one of these people would have to be forced to surrender all firearms and stripped of their rights to self protection. This is unacceptable. The problem of MENTAL HEALTH needs to be addressed, NOT firearms ownership. Legislators, please work on that issue. Not 2nd Amendment RIGHTS. Thank you.

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Cc: [achilles.kealoha@gmail.com](mailto:achilles.kealoha@gmail.com)  
Subject: Submitted testimony for SB2956 on Feb 11, 2016 13:15PM  
Date: Tuesday, February 09, 2016 1:14:52 AM

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**SB2956**

Submitted on: 2/9/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

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

Comments: First, allow me to express my gratitude for allowing me to submit a testimony with regards to Senate Bill 2956. However, my gratitude ends there with regards to this specific bill, which seeks to deprive law abiding citizens of their constitutional right, a constitutional right which is consistently and constantly under attack by the Hawaii legislature in what seems to be every legislative session. SB2956 wishes to reclassify the process to which individuals disqualified from owning or possessing firearms in the State of Hawaii for reasons of mental health. Rather than voluntarily relinquishing control of firearms unto the chief of police or legally transferring firearms to an individual who may legally purchase firearms, this bill enacts a form of confiscation, in which the individual will have no choice but to immediately relinquish control and ownership of their firearms to the chief of police, upon disqualification. There are numerous reasons as to why this bill is not only illegal under the constitution of both the State of Hawaii and the United States, but also immoral and an avenue toward abuse as well. The bill, as it stands, is too ambiguous and does not clarify those instances in which an individual may have overcome their mental defects or illness, and is now deemed fit to possess and own firearms by their medical healthcare professional. One particular demographic I am specifically worried about are those individuals who serve or have served in the military, or those who have experienced some sort of serious traumatic event, thus resulting in the effects of PTSD and various other diagnoses which may be classified as 'mental disorders' that fit the description of this bill. Thousands of individuals throughout the State of Hawaii and the United States suffer from some sort of mental illness brought on by specific tragic events; illnesses which may have classified them as unsafe to themselves and/or others. Yet it is within this same community that many individuals have learned to overcome their illnesses and problems, and become functioning citizens in society once again. What this bill would do, then, is punish these people for seeking the necessary and needed treatment, in order to overcome their problems. Further still, it would essentially punish them for overcoming obstacles in their life that may have been significantly impacting their ability to function in society and just plain live happily, all because the senator who introduced this bill left it so ambiguous. Are we to deprive the constitutional right to self-protection and the security of our free state to military service members because they have been affected by the tragedies of war, yet have learned to cope with and

overcome their problems? Are we to deprive a mother the ability to protect her family simply because she developed symptoms of PTSD and anxiety after being raped, yet is now in a stable mindset and condition? Will the Hawaii legislature continue the war on veterans by denying them one of the same constitutional right that they served for, fought for, and watched friends and fellow service members die for, all because Hawaii politicians have a grotesque obsession with demonizing the 2nd amendment, rather than focusing on the true problem, being mental health reform? I would hope not. I would like to remind Hawaii politicians that all citizens are afforded due process, under both the State of Hawaii and the United States of America. What this bill does, in essence, is deprive individuals of the right to due process, and essentially declares them guilty by a specific group of individuals, and not by a jury of peers. How any politician would think this is remotely legal or constitutional is beyond understanding by many in the community. It is my hope that those who introduced this bill and/or those who support this bill reconsider their stance and withdraw the bill from circulation, pending review and revision. As it stands, the bill is too ambiguous and dangerous, and would only serve to disarm numerous law abiding citizens for no apparent reason other than Hawaii politicians doing everything they can to disarm the public.

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**SB2956**

Submitted on: 2/9/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Hampton	Individual	Oppose	No

Comments: Good Morning! I'm sending testimony in opposition of this bill. As written, it's too broad in scope. The fact that it confers the power of confiscation to the police is especially worrying, in light of the recent problems with medical clearances.

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**SB2956**

Submitted on: 2/9/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

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

Comments: bill is overly broad in december, tens of thousands of kaiser and straub patients potentially could have been caught up in this due to a procedural issue between HPD and the insurance carriers that caused many people to have their permits denied many of these people would have potentially had their firearms/ammunition seized according to this bill as written

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I would like to strongly oppose this bill. It is far too overreaching and vague in its scope. This will allow people's rights to be forcefully surrendered with no due process of law. Firearms would be confiscated at the mere arbitrary disqualification. There has been many instances this past year of many people wrongfully disqualified for firearms permits because of a 'misunderstanding' between Kaiser healthcare and HPD. Every one of these people would have to be forced to surrender all firearms and stripped of their rights to self-protection. This is unacceptable. The problem of MENTAL HEALTH needs to be addressed, NOT firearms ownership. Legislators, please work on that issue. Not 2nd Amendment RIGHTS. Thank you.

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**SB2956**

Submitted on: 2/9/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

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

Comments: I strongly oppose this bill. This bill is too broad and will effect too many individuals who are not the target of this.

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**Cc:** [robert.mc@att.net](mailto:robert.mc@att.net)  
**Subject:** Submitted testimony for SB2956 on Feb 11, 2016 13:15PM  
**Date:** Tuesday, February 09, 2016 9:18:47 AM

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**SB2956**

Submitted on: 2/9/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

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

Comments: I oppose this for the same reasons as HB2632: Far too broad. Too many clerical errors my medical groups have already caused issues with firearm registration. Laws are in place now to deal with this.

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**Subject:** Submitted testimony for SB2956 on Feb 11, 2016 13:15PM  
**Date:** Tuesday, February 09, 2016 9:34:53 AM

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**SB2956**

Submitted on: 2/9/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

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

Comments: Nay. Again, lacks due process for the accused, what are the checks and balances if mistake or wrongly accused.

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To Whom It May Concern:

Re: SB2956

I am writing in opposition of SB2956. Please do not allow this to go any further and stop it here. By allowing this bill to continue, we are putting at risk those that have put their lives on the line to defend this country and our way of life. By saying that a person that was under evaluation of mental illness, takes those that have had symptoms of PTSD, depression and other forms but never fully effected by them, that they can no longer own and poses firearms and ammunition. Even our police officers in some cases would be subject to this bill. These same men and women are the ones that protect our communities and have help to keep them safe for their entire careers could have that taken from them. Thank you for your time and consideration in this matter.

Sincerely,

Davin Asato

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**SB2956**

Submitted on: 2/9/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

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

Comments:

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**Subject:** Submitted testimony for SB2956 on Feb 11, 2016 13:15PM  
**Date:** Tuesday, February 09, 2016 12:23:01 PM

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**SB2956**

Submitted on: 2/9/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

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

Comments: Dear Chair Nishihara and members of the Committee on Public Safety, Intergovernmental, and Military Affairs, I am strongly opposed to this measure. Hawaii already has extremely strict firearm laws and continuing to beat this dead horse will not increase safety to the public. This bill will only further restrict 2nd Amendment rights, and will further decrease due process for those mistakenly or wrongfully accused. Mahalo for your consideration, Jacob Han

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**Subject:** Submitted testimony for SB2956 on Feb 11, 2016 13:15PM  
**Date:** Tuesday, February 09, 2016 3:01:11 PM

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**SB2956**

Submitted on: 2/9/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

Submitted By	Organization	Testifier Position	Present at Hearing
Carlo Barbasa	Individual	Oppose	No

Comments: The scope which this bill calls for is too broad and there is no course of action available for the wrongly accused or the one-off law-abiding citizen who takes responsibility upon seeking help for his/herself by going to a professional. No one person's life is perfect and EVERYONE has hardships...how one chooses to deal with those hardships, especially those who choose a responsible/sensible approach, should not affect their personal liberties afforded by the constitution. The events of this past December between Kaiser-Straub-HPD are proof that the system through which one acquires firearms in Hawaii is at best, flawed. At worst, especially within the wording provided by HPD regarding permit approval (I.e. "Is no longer affected), it inadvertently condemns the law-abiding citizen into admittance of a non-existent "past mental state". If this resolution passes, those who's permits were denied during this period are at-risk of immediate seizure of their firearms simply because they did EXACTLY what HPD told them to do.

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**SB2956**

Submitted on: 2/9/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

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

Comments:

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**Date:** Tuesday, February 09, 2016 8:26:04 PM

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**SB2956**

Submitted on: 2/9/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

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

Comments:

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**SB2956**

Submitted on: 2/9/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

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

Comments:

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**SB2956**

Submitted on: 2/9/2016

Testimony for PSM on Feb 11, 2016 13:15PM in Conference Room CR229

Submitted By	Organization	Testifier Position	Present at Hearing
Walter Kanemori	Individual	Oppose	No

Comments: Bill is too broad as written

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Testimony on SB2956

Before PSM 1:15 pm Rm 229, Feb 11, 2016

IN OPPOSITION

Part of the bill is desirable, removing guns from individuals acutely hospitalized for mental illnesses, but **only** if a judge was involved. The inclusion of other disqualifying circumstance by the reference to 137-7 (c) means the PD's will confiscate guns for DUI arrests and for Kaiser patients seeking permits because the Kaiser system won't cooperate with background checks. The PD's don't have enough storage.

Mahalo,

Dr. Maxwell Cooper

225-6944