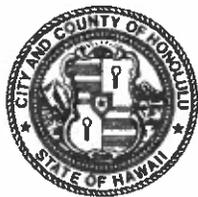


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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RICK BLANGIARDI
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
AARON TAKASAKI-YOUNG
DEPUTY CHIEFS

OUR REFERENCE **BY-DNK**

March 2, 2021

The Honorable Sylvia Luke, Chair
and Members
Committee on Finance
House of Representatives
Hawaii State Capitol, Room 308
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Luke and Members:

SUBJECT: House Bill No. 662, Relating to Firearm Ownership

I am Brandon Yamamoto, Captain of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD has concerns with House Bill No. 662, Relating to Firearm Ownership.

The Honolulu Police Department (HPD) has concerns with the bill as it would allow limited firearm ownership to certain misdemeanor offenders which would be determined by convictions of their past criminal offenses. In the past, an abuse of a household member case may have been amended to a lesser charge of harassment or simple assault and may not have been noted as a domestic violence case.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Ballard", written over a horizontal line.

Susan Ballard
Chief of Police

A handwritten signature in black ink, appearing to read "Brandon Yamamoto", written in a stylized, cursive script.

Brandon Yamamoto, Captain
Records and Identification Division

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

STEVEN S. ALM
PROSECUTING ATTORNEY



THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE
Thirty-First State Legislature
Regular Session of 2021
State of Hawai`i

March 2, 2021

RE: H.B. 662; RELATING TO FIREARM OWNERSHIP.

Chair Luke, Vice-Chair Cullen and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in opposition to H.B. 662.

The purpose of H.B. 662 is to allow defendants who have been previously convicted of a misdemeanor drug distribution or misdemeanor crime of violence offenses the ability to possess a firearm. The Department supports strong firearm laws in Hawaii and believes that H.B. 662 effectively dilute some of the many safeguards our state has enacted to ensure public safety.

Many Americans have differing opinions on the scope of our current gun laws. However, nearly all of us would agree that many criminals – particularly criminals with a history of dangerous behavior towards others – should not have access to firearms. Currently section 134-1 defines “crime of violence” as “any offense, as defined title 37, that involves injury or threat of injury to the person of another, including sexual assault in the fourth degree under section 707-733 and harassment by stalking under section 711-1106.5.”

H.B. 662 fails to take into account the number of dangerous misdemeanor offenses that qualify as a “crime of violence”. Under this bill, individuals convicted of sex assault in the fourth degree (§707-733, H.R.S.), assault in the third degree (§707-712, H.R.S.), harassment by stalking (§711-1106.5), terroristic threatening in the second degree (§707-717, H.R.S.), violations of an order of protection or temporary restraining order, and a myriad of other dangerous offenses would be allowed to possess a “hunting firearm”. The Department would point out that in 2016, the Legislature passed Act 109 (2016) which specifically added sexual assault and harassment by stalking to the existing definition of “crime of violence”. In doing so, the Legislature agreed with the Department’s concern and highlighted this concern in Standing Committee Report No. 3490:

“Your Committee finds that sexual assault in the fourth degree and harassment by stalking can escalate into more violent conduct and eventually become lethal, particularly when firearms are involved. Research indicates a correlation between partner stalking, sexual assault, and the propensity for partner stalkers to use firearms against their victims. By restricting individuals with a history of these dangerous behaviors from owning or possessing firearms, this measure contributes to the safety and security of the public.”

The Department appreciates the fact that H.B. 662 attempts to define “hunting firearm” as a long gun or a muzzle loader firearm, which effectively limits the scope of allowable firearms possessed. However, the Department would caution the committee that regardless of the type of firearm, any firearm can be used for non-hunting purposes and possession of any type of firearm in the hands of a dangerous individual is a threat to public safety.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes H.B. 662. Thank you for the opportunity to testify on this matter.



House Committee on Finance
Representative Sylvia Luke, Chair
Representative Ty JK Cullen, Vice Chair

HEARING: March 2, 2021 at 12pm
RE: HB662 Relating to Firearm Ownership

Hawaii Firearms Coalition **SUPPORTS HB662**. This bill will provide an avenue for good people to have their 2nd Amendment rights restored. Many people have made mistakes in the past, usually when very young, and grew into better persons later in life. Hunting is a good source of food to feed families, is a healthy recreational activity, and a creates an appreciation of nature.

Hawaii's lifetime ban on firearms possession for misdemeanor crimes of violence is too broad. This could be things like mutual consent fights, a hard slap to the face, etc. All of these are bad to do but should not have lifetime consequences for a person that can turn their lives around. I know a lot of people that have done regrettable things like this in their younger days and have since grown to be responsible and productive members of society.

This bill has the proper safeguards to ensure repeat offenders and current offenders cannot benefit from this law. The judge still has the power to decide in the end. HB662 provides good people with a second chance which would otherwise be a lifetime sentence banning firearms ownership.

Please support HB662.

Mahalo

Todd Yukutake
Director
Hawaii Firearms Coalition
PH. (808) 255-3066
Email: todd@hifico.org

HB-662

Submitted on: 2/27/2021 7:51:27 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ellen Godbey Carson	Individual	Oppose	No

Comments:

I oppose this bill, which would allow firearms to flow to persons who have been convicted of criminal offenses, including crimes of violence and drug offenses. Please remember that Hawaii has failed to place any ban on assault rifles and large capacity magazines. A large percentage of firearms purchase ostensibly for hunting and sport shooting, are assault rifles and large capacity magazines that were once banned under the federal Assault Weapons Ban (which expired without re-enactment). And another unfortunate aspect of current state law is that obtaining a permit for purchase of long arms (rifles) permits an unlimited number of long arms to be purchased in a year, without new background checks during that time. So this bill would authorize a year's supply of assault rifles for people convicted of violent crimes and drug offenses. It's not a good idea, it's not worth the risk to our community.

Thank you for your consideration

Ellen Godbey Carson

HB-662

Submitted on: 2/27/2021 8:40:40 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Marcus Tanaka	Individual	Support	No

Comments:

I support, if they can stay out of trouble for X years, then they are a productive member of society again. If they are not, then they should remain behind bars and should not have been released.

HB-662

Submitted on: 2/28/2021 3:14:50 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael I Rice	Individual	Support	No

Comments:

I stand in support of this bill as a means to restore Second Amendment rights to Citizens who may have made a mistake earlier in their lives. While I would prefer that this also include self/home defense as a reason for owning a firearm, it is a step in the right direction.

HB-662

Submitted on: 2/28/2021 6:41:21 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Philip T. Rapoza	Individual	Support	No

Comments:

I support

HB-662

Submitted on: 2/28/2021 7:25:41 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mery Ann Luna	Individual	Support	No

Comments:

I support this bill.

HB-662

Submitted on: 2/28/2021 9:19:33 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ed Au	Individual	Support	No

Comments:

- Many people convicted of misdemeanor crimes pose no danger to the public and should have their right to bear arms restored. Even in the limited capacity provided for in this bill this restoration of rights is a step in the right direction.
- Many people have knowingly or unknowingly committed wrong and regrettable acts of this level in the past and have been good citizens ever since.
- This is common in young adults that commit stupid crimes but later grow up to have a good family and become a productive member of society.
- Examples of misdemeanor crimes where you can lose your 2A rights and which are restored by this bill include but are not limited to:
 - Misdemeanor Assault: when a person intentionally, knowingly, or recklessly causes bodily injury to a victim or when a dangerous instrument is used in a negligent way. This could include a hard slap or grab, physical contact that causes bruising, and reckless/negligent car accidents.
 - Petty Misdemeanor Assault: mutual consent fights.
- This bill can help persons to support families with an additional source of food and recreation through hunting.
- This bill allows these people to teach their children and others the responsibilities of gun ownership.

HB-662

Submitted on: 2/28/2021 9:55:56 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benel Piros	Individual	Support	No

Comments:

If an individual did their time for a misdemeanor crime and remained clean, then he/she should be able get their rights back to legally own a firearm as a law abiding citizen.

HB-662

Submitted on: 2/28/2021 11:39:16 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
kimo galon	Individual	Support	No

Comments:

I support hb662. We all have the right to protect ourselves. Nonviolent offenders also have the right to bear arms.

HB-662

Submitted on: 3/1/2021 11:00:19 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dirck Sielken	Individual	Support	No

Comments:

I support this bill, people should be allowed to have their rights restored once they have shown that they are a model citizen again.

HB-662

Submitted on: 3/1/2021 11:09:37 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dan Goo	Individual	Support	No

Comments:

We strongly support HB662. People should not be punished for their constitutional rights if they have remained free of any trouble, working and being a benefit to the community. Many criminals get tons of 2nd changes daily for committing much more violent crimes. We should support who have proven to turn their lives around for the good.

Sincerely,

Dan Goo HPD Retired Detective and US Marshals Service

Judy Goo, Sean Goo, Elisha Goo and Katherine Goo.

HB-662

Submitted on: 3/1/2021 11:11:36 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

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

Comments:

support

HB-662

Submitted on: 3/1/2021 11:29:03 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John D'Adamo III	Individual	Support	No

Comments:

I Support HB 662 It's a good thing to get your Second Amendment of the bill of right restored

HB-662

Submitted on: 3/1/2021 10:18:59 PM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Timothy Miyao	Individual	Support	No

Comments:

Honorable Committee on Finance,

Please support HB 662: Relating to Firearm Ownership.

Thank you for all you do for the State of Hawaii