

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

H.B. NO. 2075, RELATING TO FIREARMS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Tuesday, February 8, 2022 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General,
Amy Murakami, Deputy Attorney General

Chair Nakashima and Members of the Committee:

The Department of the Attorney General (Department) supports this bill.

The purpose of this bill is to address the recent federal court ruling of Yukutake v. Connors, Civ. No. 19-00578 JMS-RT (D. Haw. Aug. 16, 2021) by: (1) increasing the time limit for a person to use a permit to acquire a firearm from ten days to thirty days, (2) removing the general requirement that firearms be physically inspected at the time of their registration, and (3) requiring that only certain firearms be physically inspected. The firearms that require in-person inspection are those that were not manufactured with serial numbers (ghost guns), firearms transported by individuals from out of state, and firearms being transferred between private individuals. These amendments are necessary to protect the public.

If this bill is not enacted to amend the firearm statutes, permits to acquire will not expire and no firearms will be examined by law enforcement to ensure that the firearm matches the registration information and complies with Hawaii law.

The United States District Court for the District of Hawaii, in Yukutake v. Connors, held that the requirement in section 134-2(e), Hawaii Revised Statutes (HRS), that a permit to acquire a handgun be used within ten days of issuance of the permit, and the requirement in section 134-3(c), HRS, that firearms be physically inspected at the time of registration were both unconstitutional.

A person applying for a permit to acquire a firearm must provide background information, including name, address, and physical descriptors, and must be subjected to background checks, including mental health inquiries and inquiries using the National Crime Information Center, National Instant Background Check System, International Justice and Public Safety Network, and United States Immigration and Customs Enforcement. Background information, including mental health information, may become outdated over time and people's appearances change. More importantly, people can experience events in their lives that disqualify them from owning firearms, such as criminal convictions, mental health diagnoses, or being the subject of restraining orders.

Hawaii has a substantial interest in public safety, and accurate information protects public safety both by helping prevent people who are disqualified from owning firearms from acquiring them and by facilitating the tracing of firearms. Studies such as Purchaser Licensing, Point-of-Sale Background Check Laws, and Firearm Homicide and Suicide in 4 US States, 1985-2017 by Alexander D. McCourt et al., published by the American Journal of Public Health, established that when Connecticut enacted permitting requirements, its gun violence rate went down, but when Missouri repealed its permitting requirements, the gun violence rate went up. This correlation between strong permitting laws and the reduction of gun violence supports imposing a reasonable expiration date on firearm permits. Thirty days is short enough to ensure the continued accuracy of the information on which the permit is based and long enough for permit holders to complete the acquisition of their pistols or revolvers. Based on everyday experience, information in an application, such as background information and qualifications, is highly unlikely to change in only thirty days. And under the prior standard, an overwhelming percentage of approved firearm applicants were able to pick up and use their handgun permits within ten days. See Firearm Registrations in Hawaii, 2020, Department of the Attorney General, Crime Prevention & Justice Assistance Division, at 2 (25,024 out of 25,381 approved permits, or 98.6%). Increasing the standard to thirty days will provide even more time for people to complete their acquisitions.

This amendment will help Hawaii's firearm permitting laws survive legal challenges while at the same time preserve the fundamental structure of our statutes. Permits for rifles and shotguns will still be valid for one year and multiple transactions, while permits for handguns will still be valid for a shorter period and single transactions. This scheme will continue to recognize the heightened danger presented by handguns as a result of their greater concealability. However, increasing the expiration date for handgun permits from ten days to thirty days should address legal challenges like the Yukutake case.

Hawaii's important interest in protecting public safety justifies the physical inspection of certain narrow categories of firearms at the time of registration. Firearms and firearm receivers that do not have serial numbers imprinted by the manufacturer, including those created by 3-D printers, pose a danger to public safety inasmuch as these "ghost guns" are untraceable by law enforcement. These firearms and firearm receivers can be legally obtained and registered under Hawaii law; however, the process established by section 134-3, HRS, requires the permanent engraving or embedding of a registration number on the firearm by the registrant. It is necessary for police departments to inspect the engraving or embedding, even when done by a licensed dealer, so as to ensure that it is done legibly, permanently, and accurately. Due to the risk of human error or inexactitude, it is not enough to simply assume that the registration number is properly engraved or embedded and also properly recorded in registration records. It is within the experience of everyone, including law enforcement officials, that human beings can and do make mistakes, especially with respect to paperwork. Law enforcement officials have long recognized the importance of tracing firearms, but tracing cannot be done without a proper serial number or registration number on the firearm.

Likewise, there is an important public safety interest in requiring the physical inspection of firearms brought into the State by persons other than licensed dealers or manufacturers and in requiring the physical inspection of firearms sold or transferred between private parties. These situations are particularly vulnerable to the unwitting possession of illegal firearms or accessories. The firearm laws in other states are often

very different from the firearm laws in Hawaii. Assault pistols, automatic firearms, rifles and shotguns with certain barrel lengths, certain large capacity magazines, and bump stocks are illegal in Hawaii but may be legal in another state. Firearms can also be modified. A person purchasing a firearm from someone who is not a licensed dealer or a person attempting to bring a firearm into Hawaii from out of state may not have the knowledge to recognize an illegal firearm. Requiring physical inspection in these situations protects both the public interest as well as the individual. The individual benefits from the inspection because an illegal firearm recovered at registration is less likely to result in prosecution, and if the firearm passes inspection, the individual has the assurance that the firearm is legal.

The Department submits this testimony in its role as an integral part of the law enforcement community and respectfully requests the passage of this bill.

Mitchell D. Roth
Mayor



Paul K. Ferreira
Police Chief

Kenneth Bugado, Jr.
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

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(808) 935-3311 • Fax (808) 961-8865

February 4, 2022

Representative Mark M. Nakashima
Chairperson and Committee Members
Committee on Judiciary & Hawaiian Affairs
415 South Beretania Street, Room 325
Honolulu, Hawai'i 96813

RE : HOUSE BILL 2075, RELATING TO FIREARMS
HEARING DATE : FEBRUARY 8, 2022
TIME : 2:00 P.M.

Dear Representative Nakashima:

The Hawai'i Police Department **strongly supports** House Bill 2075 that seeks to address the recent federal court ruling of *Yukutake v. Connors*, whereby the United States District Court for the District of Hawai'i held that the requirement in section 134-2(e), Hawai'i Revised Statutes (HRS), that a permit to acquire a handgun be used within ten days of issuance of the permit, and the requirement in section 134-3(c), HRS, that firearms be physically inspected at the time of registration were both unconstitutional.

This measure is looking to amend Section 134-2, Hawai'i Revised Statutes, increasing the time a permit to acquire a firearm (pistol or revolver) can be used from 10 days to 30 days and amend Section 134-3, Hawai'i Revised Statutes, to eliminate physical inspection of firearms generally, but requires physical inspection of firearms brought into the State, firearms involved in private sales or transfers, and firearms and firearm receivers with engraved or embedded serial numbers. Without these amendments, permits to acquire firearms (pistol or revolver) will never expire and no firearms will be examined by law enforcement to ensure that the firearm matches the registration information and complies with Hawai'i law.

As a law enforcement agency tasked with ensuring public safety, we have always supported the stringent permitting requirements set forth in the Hawai'i Revised Statutes relating to firearms, which we agree have a direct impact in the reduction in gun violence in the community. Conversely, as an issuing agency for firearm permits, it is equally incumbent on us to ensure that anyone acquiring a firearm in the State of Hawai'i comply with the requirements set forth in Section 134 2, which will be impossible without these amendments. The time limitations set forth for permits to acquire pistols or revolvers provides a safeguard in ensuring that an applicant hasn't been disqualified from owning a firearm between applications, as events in an individual's life is constantly evolving and a situation could arise where they would be disqualified (i.e. criminal act, domestic violence, mental health episode, etc.). We have had numerous situations over the years, whereby individuals that have previously qualified to own firearms file a new application for a permit to acquire, when it is discovered they are now ineligible due to a recent event in their lives. Although there are no guarantees that an individual's qualification to own a firearm

Representative Mark M. Nakashima
February 4, 2022
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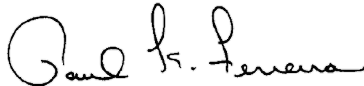
will not change in 30 days, it is highly unlikely and the time span is short enough to ensure the continued accuracy of the information on which the permit is based.

With respect to the physical inspection of certain categories of firearms, this as well is designed to ensure public safety by requiring that firearms permitted in the State of Hawai'i are in compliance with our laws. Whenever a firearm is recovered as evidence in a criminal investigation, the importance of police being able to trace the origin of that firearm as part of thorough investigation cannot be stressed enough. Without a firearm having a proper serial or registration number, tracing the origin becomes impossible. Firearms and firearm receivers that do not have serial numbers imprinted by the manufacturer can be legally obtained and registered under Hawaii law; however, the process established by Section 134-3, HRS, requires the permanent engraving or embedding of a registration number on the firearm by the registrant. Therefore, it is necessary for the statute to require that these firearms are inspected to ensure that the engraving or embedding, even when done by a licensed dealer, is done legibly, permanently, and accurately.

Just as important is the statutory requirement for physical inspections of firearms brought into the State by persons other than licensed dealers or manufacturers, as well as those firearms sold or transferred between private parties. As we are all aware, firearm laws vary across the United States and what may be legal in other States may be illegal here in the State of Hawai'i. By requiring the physical inspections in these situations, will help in preventing the unintentional possession of illegal firearms and accessories; as well as the transfer of firearms that may have been modified after initial purchase.

It is for these reasons, we urge this committee to approve this legislation. Thank you for allowing the Hawai'i Police Department to provide comments relating to House Bill 2075.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul K. Ferreira". The signature is fluid and cursive, with the first name "Paul" being the most prominent part.

PAUL K. FERREIRA
POLICE CHIEF

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR

RADE K. VANIC
INTERIM CHIEF

OUR REFERENCE **JAT-DNK**

February 8, 2022

The Honorable Mark M. Nakashima, Chair
and Members
Committee on Judiciary and Hawaiian Affairs
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Nakashima and Members:

SUBJECT: House Bill No. 2075, Relating to Firearms

I am Joseph A. Trinidad, Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 2075, Relating to Firearms.

This bill seeks to increase the time a permit to acquire (PTA) a firearm can be used from ten days to thirty days. There have been instances in which individuals with the PTA were not able to acquire their firearm within the ten days due to unforeseen circumstances, such as a gun shop closing for several weeks. This has necessitated in the reapplication for a PTA. Thirty days is short enough to ensure the continued accuracy of the initial information provided by applicants and long enough to complete acquisition of their handguns. The United States District Court for the District of Hawaii, in *Yukutake v. Connors*, held that the requirement in Hawaii Revised Statutes (HRS) §134-2(e), that a permit to acquire a handgun be used within ten days of issuance of the permit, was unconstitutional.

HRS §134-3 currently eliminates the physical inspection of firearms when registering. The amendment seeks to require the physical inspection of firearms brought to Hawaii, firearms involved in private sales or transfers, and firearms and firearm receivers with engraved or embedded serial numbers.

Due to registrant or firearms dealer errors, there have been several instances in which discrepancies are discovered with the firearms' embedded or engraved registration number. As a result, the registrant or firearms dealer is required to bring in firearms for an actual physical

The Honorable Mark M. Nakashima, Chair
and Members
Committee on Judiciary and Hawaiian Affairs
House of Representatives
February 8, 2022
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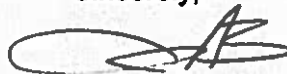
inspection. It is necessary for police departments to physically inspect the embedding or engraving in order to ensure the number is correctly recorded in registration records for tracing purposes.

A person purchasing a firearm from someone who is not a licensed dealer may both be unaware that they may be involved in the transaction of an illegal firearm. In addition, with military members making up about 10 percent of Oahu's population, their registering of firearms is about 50 percent of our workload for HPD personnel handling registrations. When active duty military members transfer to Hawaii, they unknowingly bring in their illegal firearms and accessories to the HPD's Firearms Unit (Records and Identification Division) to register. This unfortunately has resulted in the on-the-spot confiscation of said illegal firearms and accessories. In 2021, there were 55 on-the-spot confiscations by the HPD, of which 30 involved military members and 25 civilians. Individuals appear to be unaware of Hawaii's illegal firearms Laws (e.g., shotguns with barrels of more than 18 inches less or accessories and magazines with a high-capacity of ten rounds or more. This may be due to other states having less restrictive firearms laws as compared to Hawaii. To require the physical inspection of firearms in these two situations directly contributes to the Hawaii law enforcement community's efforts toward increasing public safety.

The HPD submits this testimony in its role as an integral part of the law enforcement community and respectfully requests the passage of this bill.

Thank you for the opportunity to testify.

Sincerely,



Joseph A. Trinidad, Major
Records and Identification Division

APPROVED:



Rade K. Vanic
Interim Chief of Police

HB-2075

Submitted on: 2/6/2022 7:34:29 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brett Kulbis	Honolulu County Republican Party	Oppose	No

Comments:

Honolulu County Republican Party OPPOSES HB-2075 as it unduly infringes on an individual right to self protection by putting undue administrative burdens.

HB-2075

Submitted on: 2/7/2022 4:59:50 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Soleil Roache	DC Project	Oppose	Yes

Comments:

I oppose this bill because it would reimplement measures that are cumbersome and unnecessary and that were already ruled unconstitutional in the lawsuit Todd Yukutake won last year.

HB-2075

Submitted on: 2/7/2022 5:59:58 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jerry Yuen	Pu'uloa Rifle and Pistol Club	Oppose	Yes

Comments:

I strongly oppose HB2075. This bill will make it more difficult for our club members and guests to participate in competitive shooting events in Hawaii. The courts have found that the prior laws were unconstitutional and it will be waste of time and resources if the State tries to reimplement those procedures of in person registration and inspection.



The Honorable Mark M. Nakashima, Chair

The Honorable Scot Z. Matayoshi, Vice Chair

House Committee on Judiciary and Hawaiian Affairs

State Capitol, Video Conference
Honolulu, Hawaii 96813

HEARING: Tuesday, February 08, 2022, at 2:00PM

RE: HB2075 Firearms; Permits; Registration; Firearms Inspections

Aloha Members of the Senate Committee,

The Hawaii Firearms Coalition OPPOSES HB2075.

The Hawaii Firearms Coalition opposes this bill on the grounds the proposed in-person registration scheme for firearms brought into the state, person-to-person firearm transfers, and self made guns is a direct violation of the judge's ruling in Yukatake vs Connors(2021).

Specifically, the Honorable Judge Seabright ruled:

HRS § 134-3(c)'s requirement that, with the exception of certain licensed dealers, "[a]ll other firearms and firearm receivers registered under [HRS § 134] shall be physically inspected by the respective county chief of police or the chief's representative at the time of registration" is unconstitutional in violation of the Second Amendment. Defendant's officers, agents, servants, employees, and all persons in active concert or participation with Defendant are permanently enjoined from enforcing HRS § 134-3(c)'s in-person firearm inspection and registration requirement.

The judge found that the in person registration scheme served no purpose to increase public safety and

only placed undue burden on lawful citizens exercising their Second Amendment Rights under the US Constitution. In person registration schemes disproportionately affect hourly workers, who cannot afford to take off multiple days from work in order to purchase a firearm for self defense, hunting, or sporting purposes. These laws are, by design, meant to create a financial hardship in order to dissuade lawful citizens from owning firearms and are sadly part of the long history of racist laws designed to keep firearms out of the hands of minorities.

If passed into law, this bill would reimplement in person inspection of firearms in defiance of the court order. As a result this would result in a second lawsuit that would cost the state hundreds of thousands of dollars when once again found to be unconstitutional.

Please vote no on this deeply flawed proposed legislation..

For these reasons the Hawaii Firearms Coalition Opposes HB2075. Thank you for your consideration.

Mahalo

Jon Webster Abbott
Director, Hawaii Firearms Coalition
PH. (808) 292-5180
Email: jon@hifico.org

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

Defendant

TODD YUKUTAKE, ET

Civ. No. 19-00578 JMS-RT

AL.,

Plaintiffs,

vs.

CLARE E. CONNERS,

ORDER GRANTING PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT AND DENYING
DEFENDANT'S COUNTER
MOTION FOR SUMMARY
JUDGMENT

**ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY
JUDGMENT AND DENYING DEFENDANT'S COUNTER MOTION FOR
SUMMARY JUDGMENT**

I. INTRODUCTION

Plaintiffs Todd Yukutake and David Kikukawa ("Plaintiffs") are firearm owners living on Oahu. They bring suit against State of Hawaii Attorney General Clare E. Connors in her official capacity ("Defendant" or "the Government") arguing that two State of Hawaii firearm laws violate the Second Amendment. The first, Hawaii Revised Statutes ("HRS") § 134-2(e), requires, in relevant part, that

individuals purchase a handgun (i.e., a pistol or revolver) within 10 days of obtaining a permit to acquire. The second, HRS § 134-3(c), requires, in relevant part, that individuals physically bring their firearm to the police department for

in-person inspection and registration within five days of acquiring [Case](#)

[1:19-cv-00578-JMS-RT Document 107 Filed 08/16/21 Page 2 of 33 PageID #: 980](#)

it. ECF No. 85. Currently before the court are Plaintiffs' Motion for Summary Judgment and Defendant's Counter Motion for Summary Judgment, ECF No. 91. The challenged provisions in both HRS § 134-2(e) and HRS § 134- 3(c) are not longstanding and impose only a moderate burden on the right to bear arms. As such, both provisions are subject to intermediate scrutiny. And because the Government has entirely failed to demonstrate how each law effectuates its asserted interest in public safety, neither law can pass constitutional muster under this standard of review. Plaintiffs' Motion for Summary Judgment is GRANTED and Defendant's Counter Motion for Summary Judgment is DENIED. To be clear, this Order affects only these two discrete provisions of the State of Hawaii's firearm scheme; no other aspect of the State's firearm regulatory scheme is challenged or addressed in this Order.

II. BACKGROUND

Plaintiffs are residents of the City and County of Honolulu. ECF No. 78 at PageID # 557. Both legally own multiple firearms and wish to legally

acquire additional guns, including handguns. *Id.* at PageID ## 567-69. They allege that certain provisions of two State of Hawaii firearm laws, HRS §§ 134-2(e) and 134-3(c), violate their Second Amendment right to bear arms. *Id.* at PageID # 570.

HRS § 134-2(e) provides, in relevant part, that “[p]ermits issued to acquire any pistol or revolver [i.e., handguns] shall be void unless used within ten days after the date of issue.” And HRS § 134-3(c) provides, in relevant part, that firearms “shall be physically inspected by the respective county chief of police or the chief’s representative at the time of registration.”¹ Plaintiffs allege that both laws infringe on the Second Amendment right to bear arms because “people who wish to own a firearm, including the litigants in this matter, must take time off work to complete the lengthy application process.” ECF No. 78 at PageID # 562. To legally possess a firearm, applicants must complete that application process,² which consists of the following steps:

- (1) In the case of handguns, acquire all necessary identifying information about the firearm from the seller, including its make, model, and serial number;

- (2) Physically visit the police station to apply for a permit to acquire the firearm, including by providing personal identifying

¹ Firearms dealers licensed under State of Hawaii law or by the United States Department of Justice are exempt from this in-person registration and inspection requirement. *See* HRS § 134-3(c) (“Dealers licensed under section 134-31 or dealers licensed by the United States Department of Justice shall register firearms pursuant to this section on registration forms prescribed by the attorney general and shall not be required to have the firearms physically inspected by the chief of police at the time of registration.”).

² Before undertaking the listed steps, first-time applicants for a firearm are required to take a safety course. Individuals applying for additional guns need not take the safety course again. HRS § 134-2(g).

information, including name, address, and physical appearance;
and, in the case of handguns, the gun’s make, model, and serial
number;

- (3) Wait 14 days while the police department reviews the application,
conducts a background check to ensure that the individual is
qualified to possess a gun, and issues the permit;
- (4) Return to the seller to present the permit and finalize the purchase
of the firearm. Applicants must purchase the firearm within 10 days
of permit issuance in the case of a handgun and within a year of
permit issuance in the case of a long gun. HRS § 134-2(e);³ and (5)

Within five days of acquiring the firearm, bring the firearm back to the police station for a physical inspection and registration, including by providing the firearm's make, model, and serial number. HRS § 134-3(c).⁴

On October 30, 2020, Plaintiffs filed a First Amended Complaint against Defendant in her official capacity as State Attorney General, challenging

³ Plaintiffs do not challenge the constitutionality of the one-year permit use period for long guns.

⁴ At the June 28, 2021 hearing, both Plaintiffs' counsel and Defendant's counsel agreed that these are the steps an applicant must complete to acquire a firearm in the State of Hawaii. ECF No. 102.

the constitutionality of HRS § 134-2(e)'s 10-day permit use period for handguns and HRS § 134-3(c)'s in-person inspection and registration requirement for firearms.⁵ ECF No. 78. That same day, the court stayed and administratively closed the case pending issuance of the Ninth Circuit's en banc opinion in *Young v. State of Hawaii*, No. 12-17808. ECF No. 79.

On March 24, 2021, the Ninth Circuit issued its decision in *Young*. 992 F.3d 765 (9th Cir. 2021). The next day, March 25, 2021, the court lifted the

stay and reopened this case. ECF No. 80. On April 28, 2021, Plaintiffs filed a Motion for Summary Judgment, ECF No. 85. And on May 28, 2021, Defendant filed a Counter Motion for Summary Judgment, ECF No. 91. Plaintiffs filed a “Reply and Opposition” to Defendant’s Counter Motion on June 7, 2021, ECF No. 95, and Defendant filed a Response in support of the Counter Motion and in Opposition to Plaintiff’s Motion on June 14, 2021, ECF No. 99. On June 15, 2021,

⁵ Plaintiffs’ initial Complaint asserted facial and as-applied challenges against both Defendant and the City and County of Honolulu. ECF No. 1 (filed October 24, 2019). When Plaintiffs initiated their lawsuit, HRS § 134-3(c) did not expressly require in-person inspection and registration of firearms. But the Honolulu Police Department (“HPD”) had implemented § 134-3 by requiring applicants to register their firearms in person. *See* ECF No. 1 at PageID # 4.

On June 9, 2020, Plaintiffs and the City and County of Honolulu reached a settlement agreement, with the City and County agreeing to extend the hours of the Firearms Unit and to issue permits via email rather than requiring applicants to come to the station to physically pick up their permits. ECF No. 52; ECF No. 78 at PageID # 561 (describing conditions of settlement). On June 12, 2020, the parties stipulated to dismissal with prejudice of all claims against the City and County, ECF No. 53. Shortly thereafter, on July 10, 2020, the Hawaii State Legislature amended HRS § 134-3(c) to affirmatively require in-person inspection and registration of firearms. *See* H.B. 2744, H.D. 1 S.D. 2, 30th Leg., Reg. Sess. (enacted Sept. 16, 2020).

the court granted Everytown for Gun Safety (“Everytown”) leave to file a brief as amicus curiae. ECF No. 100. A hearing was held on June 28, 2021. ECF No. 102.

III. STANDARD OF REVIEW

Summary judgment is proper where there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P.

56(a); *see also, e.g., Sandoval v. Cnty. of San Diego*, 985 F.3d 657, 665 (9th Cir. 2021). Rule 56(a) mandates summary judgment “against a party who fails to make a showing sufficient to establish the existence of an element essential to the party’s case, and on which that party will bear the burden of proof at trial.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986); *see also Nissan Fire & Marine Ins. Co. v. Fritz Cos., Inc.*, 210 F.3d 1099, 1103 (9th Cir. 2000).

“The party moving for summary judgment bears the initial burden of identifying those portions of the pleadings, discovery and affidavits which demonstrate the absence of a genuine issue of material fact.” *Olivier v. Baca*, 913 F.3d 852, 857 (9th Cir. 2019) (citing *Celotex*, 477 U.S. at 323). Where the moving party does not have the ultimate burden of persuasion at trial, they bear both the initial burden of production and the ultimate burden of persuasion on their motion for summary judgment. *Friedman v. Live Nation Merch., Inc.*, 833 F.3d 1180, 1188 (9th Cir. 2016) (citing *Nissan Fire*, 210 F.3d at 1102).

“‘[W]hen the moving party has carried its burden under Rule 56[(a)], its opponent must do more than simply show that there is some metaphysical doubt as to the material facts,’” but must come forward with specific facts showing that there is a genuine dispute for trial. *Scott v. Harris*, 550 U.S. 372, 380 (2007)

(quoting *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87 (1986)). “[A]t least some ‘significant probative evidence’” must be produced. *Hexcel Corp. v. Ineos Polymers, Inc.*, 681 F.3d 1055, 1063 (9th Cir. 2012) (citing *T.W. Elec. Serv., Inc. v. Pac. Elec. Contractors Ass’n*, 809 F.2d 626, 630 (9th Cir. 1987)). “‘If the evidence is merely colorable, or is not significantly probative, summary judgment may be granted.’” *United States ex rel. Kelly v. Serco, Inc.*, 846 F.3d 325, 329-30 (9th Cir. 2017) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249-50 (1986)); *Addisu v. Fred Meyer, Inc.*, 198 F.3d 1130, 1134 (9th Cir. 2000) (“A scintilla of evidence or evidence that is merely colorable or not significantly probative does not present a genuine issue of material fact.”); *see also Friedman*, 833 F.3d at 1185 (citing *McIndoe v. Huntington Ingalls Inc.*, 817 F.3d 1170, 1173 (9th Cir. 2016)).

For purposes of Rule 56(a), a dispute is genuine only if there is a sufficient evidentiary basis on which “a reasonable jury could return a verdict for the nonmoving party,” and a dispute of fact is material only if it could affect the outcome of the suit under the governing law. *Momox-Caselis v. Donohue*, 987

F.3d 835, 841 (9th Cir. 2021) (citing *Anderson*, 477 U.S. at 248). When considering the evidence on a motion for summary judgment, the court must

draw

all reasonable inferences in the light most favorable to the nonmoving party.

Rookaird v. BNSF Ry. Co., 908 F.3d 451, 459 (9th Cir. 2018).

IV. ANALYSIS

Plaintiffs challenge the constitutionality of both the State of Hawaii's 10-day use period for permits to acquire handguns under HRS § 134-2(e) and its requirement that all firearms be inspected and registered in-person under HRS § 134-3(c). Both requirements are subject to intermediate scrutiny, and both fail to pass constitutional muster under that standard of review.⁶

A. Second Amendment Standards

The Second Amendment states: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” In *District of Columbia v. Heller*, 554 U.S. 570

⁶ Plaintiffs assert that they are bringing both facial and as-applied challenges, while Defendant argues that Plaintiffs relinquished their as-applied challenges when they settled their claims against the City and County of Honolulu. But, as set forth in more detail below, both challenged provisions are facially unconstitutional. Thus, the court need not consider whether Plaintiffs have preserved their as-applied challenges. *See Hoye v. City of Oakland*, 653 F.3d 835, 857 (9th Cir. 2011) (explaining that because “[f]acial and as-applied challenges differ *in the extent* to which the invalidity of a statute need be demonstrated’ . . . the substantive legal tests used in the two challenges are ‘invariant’” (quoting *Legal Aid Servs. of Oregon v. Legal Servs. Corp.*, 608 F.3d 1084, 1096 (9th Cir. 2010))); *see also Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 331 (2010) (explaining that the distinction between facial and as-applied challenges “goes to the breadth of the remedy employed by the Court, not what must be pleaded in a complaint,” with an as-applied challenge offering a “‘narrower remedy’” than a facial challenge (quoting *United States v. Treasury Emps.*, 513 U.S. 454, 478 (1995))).

(2008), the Supreme Court engaged in its “first in-depth examination of the Second Amendment.” *Id.* at 635. The Court determined that “the right to keep and bear arms is an individual right held by the people, and not limited by the prefatory clause—‘a well regulated Militia’—only to ‘the right to possess and carry a firearm in connection with militia service.’” *Young*, 992 F.3d at 782 (quoting *Heller*, 554 U.S. at 596, 577, 599). The Court further determined that the right to bear arms was not created by the Constitution, but rather that the Second Amendment codified a pre-existing right “inherited from our English ancestors.” *Heller*, 554 U.S. at 599. And the Court identified the “core” of the Second Amendment as “the right of law-abiding, responsible citizens to use arms in defense of hearth and home.” *Id.* at 635.

Heller also set forth a framework for determining whether a law impermissibly infringes on Second Amendment rights. First, *Heller* indicated that “‘determining the scope of the Second Amendment’s protections requires a textual and historical analysis of the amendment.’” *United States v. Chovan*, 735 F.3d 1127, 1133 (9th Cir. 2013) (summarizing *Heller*). And while the Court declined to undertake such an “exhaustive historical analysis” in its opinion, it identified certain “longstanding prohibitions” on the possession of firearms as “presumptively lawful,” including “bans on possession by felons and the mentally

ill; bans on possession in sensitive places; and regulations on the commercial sale of firearms.” *Young*, 992 F.3d at 782 (citing *Heller*, 554 U.S. at 626-27). Second, *Heller* provided guidance for courts reviewing laws that do not qualify as longstanding and presumptively lawful. The Court explained that an outright ban of firearms in the home violates the Second Amendment under any level of scrutiny. *Heller*, 554 U.S. at 628. And while the Court left discussion of the precise level of scrutiny applicable to Second Amendment challenges to a later day, it expressly “reject[ed] a rational basis standard of review, thus signaling that courts must at least apply intermediate scrutiny.” *Silvester v. Harris*, 843 F.3d 816, 820 (9th Cir. 2016) (summarizing *Heller*).

The Ninth Circuit—along with the majority of other circuit courts—has adopted a two-step inquiry to implement the *Heller* framework. At the first step, courts “ask if the challenged law affects conduct that is protected by the Second Amendment.” *Young*, 992 F.3d at 783. That is, courts ask whether the law “is one of the presumptively lawful . . . measures identified in *Heller*, or whether the record includes persuasive historical evidence establishing that the [law] at issue imposes prohibitions that fall outside the historical scope of the Second Amendment.” *Bauer v. Becerra*, 858 F.3d 1216, 1221 (9th Cir. 2017) (internal quotation and citation omitted).

If the law is found to burden conduct protected by the Second Amendment at step 1, courts proceed to step 2 to determine what level of scrutiny to apply. In undertaking this inquiry, courts assess “(1) how close the challenged law comes to the core of the Second Amendment right, and (2) the severity of the law’s burden on that right.” *Id.* at 1221-22. A law is unconstitutional under any level of scrutiny if it so severely restricts the “core” right of self-defense of the home that it “amounts to a destruction of the Second Amendment right.” *Id.* at 1222. “Further down the scale,” a law that “implicates the core of the Second Amendment right and severely burdens that right warrants strict scrutiny.” *Id.* “Otherwise, intermediate scrutiny is appropriate.” *Id.* The Ninth Circuit’s “post *Heller* decisions generally have applied intermediate scrutiny to firearms regulations.” *Pena v. Lindley*, 898 F.3d 969, 977 (9th Cir. 2018) (collecting cases).

B. HRS § 134-2(e)’s 10-Day Permit Use Period

1. The 10-Day Permit Use Period Is Not Longstanding and Presumptively Valid

Defendant argues that HRS § 134-2(e)’s 10-day permit use period is longstanding and presumptively valid because it is a “condition[] and qualification[] on the commercial sale of arms” that “dates back to 1933-1934.”

ECF No. 91-1 at PageID ## 712-13.⁷In support of this argument, Defendant points to “similar laws” that were passed in four other states—Arkansas, Massachusetts, Missouri, and Michigan—“during that [same] era” (i.e., the 1930s). ECF No. 91-1 at PageID # 713; *see also* ECF Nos. 92-16, 92-17, 92-18, 92-19. But a handful of similar laws from the 1930s, without more, is insufficient to establish that the State of Hawaii’s law belongs to a “longstanding” historical tradition of “presumptively lawful” firearm prohibitions. *Young*, 992 F.3d at 783. *Young* clarified the test for whether a law is “longstanding and presumptively lawful,” explaining that the *purpose* of conducting the historical analysis is to determine whether the challenged law falls within the scope of the right as it was understood during the founding era. *Id.* That is, “[l]aws restricting conduct that can be traced to the founding era and are historically understood to fall outside of the Second Amendment’s scope may be upheld without further analysis.” *Id.* (quoting *Silvester*, 843 F.3d at 821). Evidence of similar restrictions

found in ancient English law, founding era laws, and early post-ratification laws provide persuasive evidence of the historical understanding of the scope of the

⁷ To the extent Defendant argues that the 10-day permit use period is presumptively lawful simply because it is a “condition[] and qualification[] on the commercial sale of arms,” this argument fails. The Ninth Circuit has held the phrase “conditions and qualifications on the commercial sale of arms” “‘sufficiently opaque’” to prohibit reliance on it alone, instead opting to conduct a “full textual and historical review” of the scope of the Second Amendment. *Teixeira v. Cnty. of Alameda*, 873 F.3d 670, 683 (9th Cir. 2017) (en banc). The court follows that approach here.

right. *Id.* By contrast, “twentieth-century developments . . . may be less reliable as evidence of the original meaning of the American right to keep and bear arms.” *Id.* at 811.

Here, Defendant puts forth *only* laws of this less reliable caliber. And while early Twentieth Century laws “might . . . demonstrate a history of longstanding regulation *if their historical prevalence and significance is properly developed in the record*,” *Fyock v. Sunnyvale*, 779 F.3d 991, 997 (9th Cir. 2015) (emphasis added), Defendant has failed to satisfy these conditions. The sparse handful of laws Defendant puts forth does not demonstrate the requisite “historical prevalence.” *Young*, 992 F.3d at 783 (“We are looking for ‘historical prevalence.’”) (quoting *Fyock*, 779 F.3d at 997)). Moreover, there is no evidence in the record suggesting that these laws are tethered—in any way—to the “original

meaning of the American right to keep and bear arms.” *Id.* at 811. Indeed, Defendant does not provide *any* historical context for these laws. Instead, Defendant asserts that their mere existence is evidence that the State of Hawaii’s 10-day permit expiry period is presumptively valid. This meager showing is not enough.

Finally, it is worth noting that three of the four laws Defendant relies upon have been repealed. ECF No. 95-1 at PageID ## 931-32. And the only law that remains on the books, Michigan’s, imposes a 30-day rather than 10-day time

limit on permit holders. *Id.* at PageID # 931. Thus, even if these laws *did* provide evidence of founding-era understanding of lawful firearm prohibitions, it is not clear that their existence supports Defendant’s argument that the State of Hawaii’s law falls within that historical tradition.

Simply put, the court cannot conclude that HRS § 134-2(e)’s 10-day permit use period is longstanding and presumptively valid.

2. Intermediate Scrutiny Applies

Having determined that HRS § 134-2(e)’s 10-day permit use period implicates the right to bear arms, the court next considers the appropriate level of scrutiny to apply. As both parties agree, the 10-day permit use period does not

“amount to destruction” of the right to bear arms. ECF No. 85-1 at PageID # 603; ECF No. 91-1 at PageID # 715. This leaves a choice between strict and intermediate scrutiny. Strict scrutiny is appropriate only when a law “implicates the core of the Second Amendment right *and* severely burdens that right.” *Silvester*, 843 F.3d at 821 (emphasis added). Otherwise, intermediate scrutiny is appropriate. *Id.* Defendant concedes that “the core of the Second Amendment is presumably implicated since Plaintiffs state that they want to purchase handguns.” ECF No. 91-1 at PageID # 714. Thus, the appropriate level of scrutiny to apply turns on the severity of the burden imposed by the law.

In weighing the severity of a law’s burden on the right to bear arms, courts are “guided by a longstanding distinction between laws that regulate the manner in which individuals may exercise their Second Amendment right, and laws that amount to a total prohibition of the right.” *Pena*, 898 F.3d at 977. HRS § 134-2(e)’s 10-day permit use period falls into the former category. It merely regulates when an individual may purchase handguns—requiring them to take possession of the weapon within ten days of acquiring a permit. It does not prohibit individuals from possessing or acquiring handguns. Indeed, the only

burden alleged by Plaintiffs is that they “are required to take time off work to make their firearms purchase in quick succession.” ECF No. 85-1 at PageID # 605. This is not a severe burden on the right. *See Silvester*, 843 F.3d at 827 (“[L]aws which regulate only the ‘*manner* in which persons may exercise their Second Amendment rights’ are less burdensome than those which bar firearm possession completely” (quoting *Chovan*, 735 F.3d at 1138)); *see also id.* (“The burden of [a] 10-day waiting period . . . is less than the burden imposed by contested regulations in other Ninth Circuit cases applying intermediate scrutiny.”). Intermediate scrutiny applies.

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3. Application of Intermediate Scrutiny

“In the context of Second Amendment challenges, intermediate scrutiny requires:

‘(1) the government’s stated objective to be significant, substantial, or important;

and (2) a reasonable fit between the challenged regulation and the asserted

objective.’” *Fyock*, 779 F.3d at 1000 (quoting *Chovan*, 735 F.3d at

1139).⁸Intermediate scrutiny “does not require the least restrictive

means of furthering a given end.” *Bauer*, 858 F.3d at 1221. Rather, the law must

merely “promote[] a substantial government interest that would be achieved less effectively absent the regulation.” *Fyock*, 779 F.3d at 1000 (quotation and citation omitted). It is the government’s burden to prove that both prongs of the test are satisfied. *See Chovan*, 735 F.3d at 1140-41.

The nature and quantity of the showing required by the government “will vary up or down with the novelty and plausibility of the justification raised.” *Nixon v. Shrink Mo. Gov’t PAC*, 528 U.S. 377, 391 (2000); *see also United States v. Carter*, 669 F.3d 411, 418 (4th Cir. 2012) (“[T]he Constitution does not mandate a specific method by which the government must satisfy its burden under

⁸ This test is “imported . . . from First Amendment cases” and courts rely on First Amendment jurisprudence when applying intermediate scrutiny to Second Amendment challenges. *Silvester*, 843 F.3d at 821; *see also Jackson v. City & Cnty. of S.F.*, 746 F.3d 953, 960 (9th Cir. 2014) (“Both *Heller* and *McDonald* [*v. City of Chicago*, 561 U.S. 742 (2010)] suggest that First Amendment analogies are more appropriate, and on the strength of that suggestion, we and other circuits have already begun to adapt First Amendment doctrine to the Second Amendment context” (quoting *Ezell v. City of Chicago*, 651 F.3d 684 (7th Cir. 2011))).

heightened judicial scrutiny.”). To meet its burden, the government may resort to a wide range of sources, including “legislative text and history, empirical evidence, case law, and common sense, as circumstances and context require.” *Carter*, 669 F.3d at 418; *Jackson*, 746 F.3d at 966 (pointing to case law, empirical studies, and legislative history as appropriate bases for demonstrating the reasonable fit between

a government interest and a challenged law); *see also Lorillard Tobacco Co. v. Reilly*, 533 U.S. 525, 555 (2001) (recognizing that, in some cases, restrictions on constitutional rights may be justified “based solely on history, consensus, and ‘simple common sense’” (quoting *Florida Bar v. Went For It, Inc.*, 515 U.S. 618, 628 (1995))). But “the government must present more than anecdote and supposition.” *United States v. Playboy Ent. Grp., Inc.*, 529 U.S. 803, 822 (2000). Courts owe substantial deference to a legislature’s policy judgments; their “sole obligation is to assure that, in formulating its judgments, [the legislature] has drawn reasonable inferences based on substantial evidence.” *Turner Broad. Sys., Inc. v. F.C.C.*, 520 U.S. 180, 195 (1997).

The Government has not met its burden here. Defendant states that the 10-day permit use period furthers the “important government interest” of public safety “in that such requirements provide more effective supervision and control over the sale, transfer, and possession of firearms.” ECF No. 91-1 at PageID

715. It is “self-evident” that public safety is a substantial and important government interest. *Fyock*, 779 F.3d at 1000. But Defendant has failed to demonstrate *how* the 10-day permit use period furthers that interest. To

begin, the Government does not show that the legislature considered *any* evidence—let alone substantial evidence—prior to enacting the law. The Government cites only to legislative history that pronounces the public safety purpose of gun regulation generally, but provides no legislative history addressing why HRS § 134-2(e)’s 10-day permit use period, in particular, was enacted. *See* ECF No. 91-1 at PageID ## 706-09. The Government also fails to provide any legislative history addressing what evidence the legislature considered prior to enacting that requirement.⁹ Likewise, the Government provides no empirical evidence or case law suggesting that a 10-day permit use period would enhance public safety. Indeed, as the Government conceded during oral argument, its arguments boil down to simple “common sense.”

The Government’s primary common-sense argument is that a short expiry period is necessary to ensure that the information provided when an individual applies for a permit to acquire a specific handgun remains accurate

⁹ Upon independent review, the court was unable to find any legislative history addressing the purpose behind this particular statutory provision.

Specifically, the Government points out that information provided when an

applicant applies for a permit, including the person's name, address, or appearance could change over time; or an applicant could become disqualified from owning a gun after the background check has been completed and the permit issued—including by becoming subject to a civil protective order, committing certain crimes, or being diagnosed with a significant mental disorder. *Id.* Because such changes are unlikely to occur within a mere 10 days of acquiring a permit, such a “relatively short expiration date will ensure that the information remains accurate when the person acquires [their] firearm.” *Id.* at PageID # 719. Put differently, the 10-day permit use period minimizes the probability that any changes—

¹⁰ As a reminder, the handgun permitting process proceeds as follows. An applicant must:

- (1) Acquire all necessary identifying information about the firearm from the seller, including its make, model, and serial number;
- (2) Physically visit the police station to apply for a permit to acquire the firearm, including by providing the gun's make, model, and serial number, as well as personal identifying information including name, address, and physical appearance;
- (3) Wait 14 days while the police department reviews the application, conducts a background check to ensure that the individual is qualified to possess a gun, and issues the permit;
- (4) Return to the seller to present the permit and purchase the firearm within 10 days of permit issuance; and
- (5) Within five days of acquiring the firearm, bring the firearm back to the police station for a physical inspection and registration.

The Government maintains that by allowing applicants only ten days to acquire a handgun after receiving the permit, the law ensures that the information provided at step 2 and step 3 will be accurate at step 4. But the Government does not explain *how* this promotes public safety.

disqualifying or otherwise—will occur between the time that the permit issues and the time that the applicant makes use of that permit to purchase a gun.¹¹ But the Government makes no effort to explain *how* this promotes public safety—that is, why the law is a reasonable fit to its asserted objective. In absence of an explanation, the court’s best guess as to the Government’s reasoning is that the law ensures that individuals do not make use of a permit to acquire after they become disqualified from owning a gun. But that this promotes public safety is not a common-sense conclusion. In fact, the opposite could be true. By shortening the permit use period to reduce the likelihood that disqualifying changes occur before the applicant obtains the handgun, the law arguably increases the likelihood that individuals will *already* be in possession of a gun should a disqualifying change occur.¹² This outcome could negatively impact public safety by increasing the probability that unqualified individuals may be in possession of

¹¹ The Government additionally argues that the short permit period “minimizes the risk of an unauthorized person using [the permit] if it is lost or stolen.” ECF No. 91-1 at PageID # 716. The Government does not flesh out this argument beyond the quoted sentence—let alone provide evidence suggesting that lost or stolen permits pose a problem. Taken on its face, this argument does not make sense. HRS § 134-2(f) requires the seller to verify the permit holder’s identity prior to transferring the gun, and the Government does not explain how an unauthorized individual could make use of a permit in another’s name.

¹² And as Plaintiffs point out, virtually all applicants *do* make use of their permits within the 10-day period. For example, in 2020, 95.8% of permits were used to acquire a gun within the 10-day period, while only 1.4% were voided (and 2.8% of permit applicants were denied). ECF No. 86-3 at PageID # 635. The same trend held true in 2017, 2018, and 2019. *See* ECF Nos. 86-

guns. Of course, in the absence of any *evidence* addressing the effect of the law on public safety, this is mere conjecture. Nevertheless, this conjecture demonstrates that it is not a simple matter of common sense that the 10-day permit use period promotes public safety. Finally, it is worth noting that if it really were common sense that a 10-day permit use period promoted public safety, Hawaii likely would not be the *only* state in the nation to maintain such a restrictive requirement.¹³ The

Government has failed to show that there is a reasonable fit between their stated objective of promoting public safety and the 10-day permit use period imposed by HRS § 134-2(e). The 10-day permit use period for handguns does not survive intermediate scrutiny.¹⁴

¹³ To be clear, the court is not suggesting that *any* permit use period would violate the Second Amendment. And, as Plaintiffs' counsel conceded at oral argument, some greater time period could pass constitutional muster. This Order, however, does not attempt to define the boundaries of a constitutional versus unconstitutional permit use period.

¹⁴ Both parties spill considerable ink discussing "Rap Back"—an FBI service that informs state and local law enforcement officers when an individual subject to a criminal history record check is arrested for a criminal offense anywhere in the country. ECF No. 85-1 at PageID # 612; ECF No. 91-1 at PageID ## 717-19. Plaintiffs argue that "if the Defendant's stated interest [in the 10-day permit use requirement] is blocking a person from using a permit after committing a felony, it is unnecessary and an additional unjustifiable burden because Rap Back provides the same 'service.'" ECF No. 85-1 at PageID # 612. Defendant responds that Rap Back falls short of

providing this service because some criminal offenses can fall through the cracks and because Rap Back does not inform law enforcement of other disqualifying events, including diagnosis with a disqualifying mental condition or entry of a civil protective order or restraining order. ECF No. 91-1 at PageID ## 717-18. But these arguments are largely irrelevant. The law does not pass intermediate scrutiny for the more fundamental reason discussed above—that the state has failed to show how the 10-day permit use period promotes public safety.

C. HRS § 134-3(c)’s In-Person Firearm Inspection and Registration Requirement

1. The In-Person Firearm Inspection and Registration Requirement Is Not Longstanding and Presumptively Valid

HRS § 134-3(c) was amended in 2020 to require in-person inspection and registration of all firearms within five days of acquiring them. The Government argues that this new in-person inspection and registration requirement is longstanding and presumptively valid because it is “part of the registration process” and “[i]n Hawaii, registration and permitting requirements, *in general*, date back to 1907 and 1919, respectively.” ECF No. 91-1 at PageID ## 722-23 (emphasis added). This argument fails. Although certain registration requirements may be longstanding, it does not follow that *all* registration requirements are. And the Government has provided absolutely no evidence suggesting that in-person inspection and registration was historically understood as an appropriate regulation on the right to bear arms.

In its Amicus Brief, Everytown argues that the State’s in-person inspection and registration requirement falls outside the scope of the Second

Amendment as “part of a longstanding regulatory tradition” because it is of a kind with 18th century militia laws. ECF No. 94-1 at PageID # 866. Those laws required individuals enlisted in state militias—“white men in a specified age range”—to maintain their own arms and “provided for in-person inspection to

ensure that militiamen were prepared and properly armed if called up to fight.” *Id.* at PageID ## 871, 873. Everytown cites to a variety of state militia laws, as well as federal Militia Acts. *Id.* at PageID ## 872-77. In general, as Everytown explains, these laws required periodic inspections of militiamen’s weaponry, with some laws requiring military officials to keep a record of the weapons held by men in their company. *Id.* Everytown concludes that “[t]he ubiquity of these militia inspection laws means that ordinary citizens in the founding era would have understood a requirement to present arms for inspection to be well within the government’s power—and thus outside the scope of the Second Amendment.” *Id.* at PageID # 877.

But the purpose and scope of these colonial-era militia laws are too dissimilar to the State of Hawaii’s current registration requirement to support such a finding. Although a law need not have a “precise founding-era analogue” in order to be deemed presumptively valid, *Fyock*, 779 F.3d at 997 (quotation and citation

omitted), the law must be sufficiently similar to historical regulations to demonstrate that the law's restrictions accord with historical understanding of the scope of the Second Amendment right. *Young*, 992 F.3d at 783.

In the 18th century, state militias were a primary part of the United States armed forces. And, as Everytown itself explains, the purpose of the militia laws was to ensure that the armed forces maintained weapon stockpiles suitable for

the nation's defense and warfare needs. ECF No. 94-1 at PageID # 873.

Accordingly, many of these laws did not require individuals to register their weapons upon acquiring them, but instead to periodically demonstrate that they maintained weapons of appropriate caliber for military activity. *Id.* at PageID ## 873-75. Moreover, each law that Everytown cites applied *only* to individuals who were enlisted in the militia and to the guns that they possessed for military purposes; Everytown has pointed to no law that required in-person inspection and registration of firearms held by civilians in their personal capacity.

HRS § 134-3(c)'s in-person inspection and registration requirement does not fall within the historical tradition of these 18th century militia laws. Whereas militia laws applied only to militiamen, HRS § 134-3(c)'s requirement applies to all civilians who wish to acquire a handgun for personal use. Likewise, the purpose of

the militia inspection laws was to ensure that soldiers had the correct weapons for duty and that those weapons were appropriately maintained for battle. ECF No. 94-1 at PageID ## 872-77. In contrast, HRS § 134-3(c)'s requirement is meant to serve the Government's interest—not in military preparedness—but in protecting public safety through “more effective supervision and control over the sale, transfer, and possession of firearms.” ECF No. 91-1 at PageID # 724. And, most significantly, the militia laws did not place a burden on any individual's ability to *acquire* a weapon. Indeed, militiamen were *required* to

possess weapons. In contrast, the State of Hawaii's law places a burden on the right to acquire handguns by requiring compliance with the in-person inspection and registration requirement in order for civilians to legally possess firearms in the first instance.

Given these considerable differences, the State of Hawaii's in-person inspection and registration requirement for civilian firearms cannot be said to fall within the historical tradition of colonial-era laws requiring inspection of what were effectively the military weapon stockpiles of the day. On the record before the court, HRS § 134-3(c)'s in-person inspection and registration requirement cannot be considered longstanding and presumptively valid at the first step of the

analysis. *See, e.g., Bauer*, 858 F.3d at 1221.

2. Intermediate Scrutiny Applies

Having determined that HRS § 134-3(c)'s in-person inspection and registration requirement implicates the right to bear arms, the court next considers the appropriate level of scrutiny to apply. As with the 10-day permit use period, the parties agree that the law does not destroy the core of the Second Amendment right, and Defendant concedes that “the core of the Second Amendment is presumably implicated since Plaintiffs state that they want to purchase handguns.” ECF No. 91-1 at PageID # 723. Thus, the choice is again one between strict and intermediate scrutiny.

Intermediate scrutiny is plainly the appropriate standard to apply because the law does not severely burden the right to bear arms. HRS § 134-3(c) is a gun registration requirement. The Ninth Circuit has consistently held that “gun registration requirements do not severely burden the Second Amendment because they do not ‘prevent an individual from possessing a firearm in his home or elsewhere.’” *Pena*, 898 F.3d at 977 (quoting *Heller v. District of Columbia*, 670 F.3d 1244, 1258 (D.C. Cir. 2011) (“*Heller II*”). Finally, factually, the only burden alleged by Plaintiffs is, again, that they “are required to take time off work to make

their firearms purchase in quick succession.” ECF No. 85-1 at PageID # 605. This is not a severe burden. Intermediate scrutiny applies.

3. Application of Intermediate Scrutiny

To survive intermediate scrutiny, the Government must demonstrate a “significant, substantial, or important” government interest and must show that there is a “reasonable fit between the challenged regulation and the asserted objective.” *Fyock*, 779 F.3d at 1000. Here, the Government’s asserted interest is once again public safety. “More specifically, the ‘significant, substantial, or important’ government objective in requiring people to bring the firearm to the registration is that it ensures that the registration information is accurate, it ensures that the firearm complies with Hawaii law, and it confirms the identity of the

firearm so as to facilitate tracing by law enforcement.” ECF No. 91-1 at PageID ## 724-25.

But, once again, while public safety interests are legitimate, *Fyock*, 779 F.3d at 1000; *United States v. Marzzarella*, 614 F.3d 85, 98 (3d Cir. 2010), the Government wholly fails to demonstrate *how* the in-person inspection and registration requirement furthers these interests. It merely states that “ensuring that

the registration information is accurate, ensuring that the firearm complies with Hawaii law, and confirming the identity of the firearm can be easily accomplished simply by bringing the firearm to the registration for inspection.” ECF No. 91-1 at PageID # 725.

This bald statement is not enough to meet the Government’s burden. “To survive intermediate scrutiny, the defendants must show ‘*reasonable* inferences based on *substantial* evidence’ that the statutes are substantially related to the governmental interest.” *N.Y. State Rifle & Pistol Ass’n, Inc. v. Cuomo*, 804 F.3d 242, 264 (2d Cir.

2015) (quoting *Turner Broad.*, 520 U.S. at 666); *Heller II*, 670 F.3d at 1259 (same). Here, the Government has provided no evidence whatsoever in support of its position. The Government has provided no legislative history speaking to the legislature’s reasons for amending the statute.¹⁵ It has not

¹⁵ Though not proffered by the Government, the court has reviewed the legislative history related to the 2020 amendment of HRS § 134-3(c). This history reveals that the legislature (continued . . .)

shown that inaccurate registration was a problem affecting public safety (or even a problem at all) prior to enactment of the 2020 in-person inspection and registration requirement, nor has it provided any studies, examples from other jurisdictions, or any other type of evidence suggesting that an in-person inspection and registration

requirement would ameliorate such a problem.

In absence of concrete evidence, the only support that the Government offers is conjecture. Defendant asserts that in-person inspection and registration promotes public safety by requiring that the police directly inspect the serial number on the gun itself, rather than the number as reported by the buyer and (separately) by the seller on the permit. *See* HRS § 134-2(f). Specifically, the Government speculates that “[s]ome people might innocently make mistakes in transcribing serial numbers or other identifying information” or may be unaware that their gun’s identifying marks or other attributes have been impermissibly

amended § 134-3 in 2020 primarily to address concerns around ghost guns—firearms that are assembled “without serial numbers or other identification markings.” Stand. Com. Rep. No. 685-20 (Feb. 19, 2020). The legislature was concerned because “individuals who are otherwise prohibited from owning or possessing firearms under state law can assemble these ‘ghost guns,’ thereby bypassing background checks, registration, and other legal requirements.” *Id.* But while the legislature made two amendments specifically related to ghost guns, the amendment to require in-person inspection and registration appears unrelated. It addresses requirements for individuals who register their firearms legally, not the issue of individuals attempting to bypass legal registration with ghost guns. Rather, this amendment appears to fall into a separate, secondary reason for amending the statute: to “[a]mend certain requirements relating to firearms registration.” *See* Stand. Com. Rep. No. 3557 (May 19, 2020); Stand. Com. Rep. No. 3729 (June 30, 2020). But this does not reveal the purpose of the in-person inspection and registration requirement, nor could the court locate any additional legislative history—whether from 2020 or previous sessions—addressing the purpose of this requirement.

altered. ECF No. 91-1 at PageID # 720. And, the Government hypothesizes,

individuals may not be aware of these errors or inconsistencies until they bring their firearm to the police station to have it physically inspected. *Id.* But this hypothetical falls short under intermediate scrutiny. To meet its burden, the Government must “present some meaningful evidence, not mere assertions, to justify its predictive judgments.” *Heller II*, 670 F.3d at 1259 (striking down a gun registration law where the government failed “to present any data or other evidence to substantiate its claim that these requirements can reasonably be expected to promote . . . the important governmental interests it has invoked”).¹⁶

Thus, it once again appears that the Government’s only permissible argument is that common sense shows the law is reasonably related to its interest in promoting public safety. But the notion that in-person inspection and registration promotes public safety is not a matter of common sense. First, as stated above, in the absence of any evidence to that end, it is not a common-sense conclusion that mistakes in registration were a problem prior to enactment of the

¹⁶ The Government also argues that the in-person inspection and registration requirement provides a benefit to new gun owners in that it affords them a presumption of innocence in the event the firearm’s identifying marks are discovered to be altered after the registration process is complete. Again, this argument is based on mere supposition. *See* ECF No. 91-1 at PageID ## 725-26 (speculating that a “new owner could be accused of the alteration at some point in the distant future when the alteration is finally discovered” and that “in-person inspection at registration sets a ‘base line’ that protects the new owner”). Moreover, any secondary benefits the law allegedly affords gun owners is irrelevant in the context of this constitutional challenge; the question is only whether the law is reasonably tailored to meet the asserted government interest.

in-person inspection and registration requirement. Indeed, there is redundancy built into the registration process even without the in-person requirement—both the firearm seller and buyer must provide the serial number and other identifying information about the firearm. As Plaintiffs point out, “it strains credulity that both a firearms store and a buyer would both fail to properly transcribe numbers or realize” that the gun has been impermissibly altered.¹⁷ ECF No. 95-1 at PageID # 941.

Second, as the D.C. Circuit pointed out in *Heller v. District of Columbia*, 801 F.3d 264 (D.C. Cir. 2015) (“*Heller IV*”), requiring individuals to bring firearms into the police station for in-person inspection and registration may “more likely be a threat to public safety [because] there is a risk that the gun may be stolen en route or that the would-be registrant may be arrested or even shot by a police officer seeing a ‘man with a gun.’” *Id.* at 277 (internal citation and quotation omitted). While these possibilities—like the Government’s hypothetical about mistaken transcription—are no more than conjecture, they demonstrate that it is not a simple matter of common sense that in-person inspection and registration promotes public safety.

¹⁷ This is especially true given that the Second Amendment protects the rights of “law abiding, responsible citizens.” *Heller*, 554 U.S. at 635.

Finally, it is again worth noting that Hawaii is the *only* state in the country to require in-person inspection and registration of firearms. ECF No. 85-1 at PageID # 614. As in the case of the 10-day permit use period, if it were truly a matter of common sense that in-person inspection and registration promoted public safety—or that misidentification in the absence of in-person inspection and registration was a problem—one would expect additional states to maintain similar requirements. The Government has failed to show that the in-person inspection and registration requirement is reasonably tailored to a significant, substantial, or important government interest. HRS § 134-3(c)’s in-person inspection and registration requirement does not survive intermediate scrutiny.

V. CONCLUSION

For the foregoing reasons, Plaintiffs’ Motion for Summary Judgment is GRANTED and Defendant’s Counter Motion for Summary Judgment is DENIED.

HRS § 134-2(e)’s requirement that “[p]ermits issued to acquire any pistol or revolver shall be void unless used within ten days after the date of issue” is declared unconstitutional in violation of the Second Amendment. Defendant’s officers, agents, servants, employees, and all persons in active concert or participation with Defendant are permanently enjoined from enforcing HRS

§ 134-2(e)'s 10-day permit use requirement for handguns. To be clear, no other language in HRS § 134-2(e) is found unconstitutional.

HRS § 134-3(c)'s requirement that, with the exception of certain licensed dealers, “[a]ll other firearms and firearm receivers registered under [HRS § 134] shall be physically inspected by the respective county chief of police or the chief’s representative at the time of registration” is unconstitutional in violation of the Second Amendment. Defendant’s officers, agents, servants, employees, and all persons in active concert or participation with Defendant are permanently enjoined from enforcing HRS § 134-3(c)’s in-person firearm inspection and registration requirement. To be clear, no other language in HRS § 134-3(c) is found unconstitutional.

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Pursuant to the parties' Stipulation, ECF No. 106, and Federal Rule of Civil Procedure 58(b), entry of separate judgment in this action will be delayed until September 15, 2021. The Order shall not take effect and shall not be appealable until the separate judgment is entered. The Clerk's Office shall not close the case file at this time.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, August 16, 2021.

/s/ J. Michael Seabright
J. Michael Seabright
Chief United States District Judge

Yukutake v. Connors, Civ. No. 19-00578 JMS-RT, Order Granting Plaintiffs' Motion for Summary Judgment and Denying Defendant's Counter Motion for Summary Judgment

HB-2075

Submitted on: 2/7/2022 11:37:37 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kainoa Kaku	Hawaii Rifle Association	Oppose	No

Comments:

I strongly oppose HB2075

HB-2075

Submitted on: 2/4/2022 12:23:51 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Marcus Tanaka	Individual	Oppose	Yes

Comments:

I OPPOSE this bill. It would violate the judges order and bring another lawsuit which would cost tax payers money.

The way the system as is, is sufficient. I do not have time to go home on my lunch break and grab my firearm I purchased from a private party, which I acquired a permit from the police department by the way. So go home from work on my lunch break and grab the gun. Then drive to the police station and spend X amount of time there. Then go back home because my work doesn't allow firearms and I cannot legally leave the gun in the car, which is a bad idea, even if it were legal. So I have to go back home to drop off the gun, then drive back to work. All within 1 hour. So if this bill passes, then I have to take the day off or use half day vacation.

Then add in due to COVID, this would mean more people going into the police station that is unneeded. We all want to obey the law, so the only people not registering guns online would be criminals because they do not do this. We average 25,000-30,000 gun registrations a year before the new method was passed. HPD stated that in 2021, only 55 guns were found to be illegal that were brought in for in person registration. That is 0.00018% of all registered guns. So the new registration system as is, is sufficient.

Plus the senate bill just like this one already was deferred indefinitely, probably because it violates the judges order in Yukutake v. Connors.

HB-2075

Submitted on: 2/4/2022 12:47:24 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael I Rice	Individual	Oppose	Yes

Comments:

I strongly OPPOSE this legislation. This bill seeks to do things that have already been found unconstitutional by a higher court. It attempts to require people to register a firearm in person rather than through the current process online and does nothing against actual criminals. Before the recent court findings, it was quite a hassle to not only get a permit but to register a firearm. The requirement also opens up the potential for gun owners to be targeted by thieves as they go to register their weapons. My own brother was assaulted by a homeless person while waiting inside the police station to register a handgun before the court ruling. This also puts people at unnecessary risk of catching and spreading COVID19.

To expand on the incident involving my brother. He was registering a handgun in person at the main HPD building, waiting in line and was punched in the chest by a homeless individual, no one in line or any of the officers nearby noticed and my brother was stunned by how brazen the individual was. In his words 'it took me a moment to process what happened' and the guy was gone and was harassing others near the main entrance. My brother texted me down in the parking garage of HPD and I managed to get to him before HPD even responded, and all they did was ask if the individual was harassing us and if we'd like to press charges. My brother regrettably did not press charges and the man was simply escorted off property.

This shows that even surrounded by police officers in their main headquarters, people are not safe. Requiring them to show up with their firearms to HPD for what is laughably called an inspection exposes them to potential theft of their firearm. As all a criminal has to do is wait for someone with a long case or any other obvious sign of gun storage to come out of the elevator, attack and grab and run, and now they have an unregistered gun.

HB-2075

Submitted on: 2/4/2022 1:52:28 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Jensen	Individual	Oppose	No

Comments:

Aloha,

I have been a resident of Hawaii for twenty two years now. I strongly oppose this bill. This bill is completely unnecessary as the process we have with online registration of firearms is working great! This bill will reintroduce in person registration which was already ruled unconstitutional in a federal court. This bill would place financial burden on me as whenever i needed to register a firearm i will have to take time off of work. I work six days a week and 10 hours a day and do not have the time or money to be doing something that is completely unnecessary. The laws and current registration process we have in place is more than sufficient we dont need to add something that is completely unnecessary. In light of our current Pandemic i feel safer without having to do inperson registration. Again the registration process we have was ruled unconstitutional in federal court. I am asking you as a resident of Hawaii and a tax payer to oppose this bill. I thank you for taking the time to hear me.

Sincerely,

Michael Jensen

HB-2075

Submitted on: 2/4/2022 2:28:32 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Stephen T Hazam	Individual	Oppose	No

Comments:

Please OPPOSE HB2075. This bill does nothing to increase public safety, but adds unnecessary burdens to a citizen who needs to register a firearm under certain circumstances. In most circumstances, firearms may be registered online, via email or by phone. There is no reason that registration for these certain circumstances needs to be any different. If approved this bill would require me to spend additional time; and therefore money, to travel in order to register my firearm. Additionally, it requires me, unnecessarily, to travel in public with my firearm.

I DO support the change from 10 days to 30 days; however, the negatives far outweigh any positives.

HB2075 does not increase public safety. It places unnecessary additional burdens of time and money on me and therefore, is an infringement on my RIGHT to keep and bear arms.

Please OPPOSE HB2075.

HB-2075

Submitted on: 2/4/2022 2:34:55 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alan Urasaki	Individual	Comments	No

Comments:

I support the extending of the waiting period to 30 days. However, I oppose any type of in-person inspection of firearms for registration purposes. Thank you

HB-2075

Submitted on: 2/4/2022 2:58:41 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alvin K Pelayo	Individual	Oppose	No

Comments:

Aloha,

Thank you for the opportunity to testify. I oppose this bill as written.

Please amend and remove the physical inspection requirements. Physical inspection has been tested in court and the registration processes have been adjusted. Further, the physical inspection component flies in the face of the social distancing and requirements established by both the State & Counties for COVID safety.

HB-2075

Submitted on: 2/4/2022 8:28:04 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Comments	No

Comments:

The Government Can not be trusted. It would be Yes for the First part and NO for the second Part!

HB-2075

Submitted on: 2/5/2022 10:51:46 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Fred Delosantos	Individual	Oppose	No

Comments:

Please **OPPOSE** HB2075.

Requiring the extra trips to the police station to register a gun does nothing to reduce crime, carjackings, muggings, burglaries, home invasions in Hawaii. The exceptions that result in requiring physical inspection are so broad and all-encompassing, that practically all firearms will once again require physical inspection. Consequently, this bill does nothing, except further encumber law-abiding citizens.

Please **OPPOSE** HB2075.

HB-2075

Submitted on: 2/5/2022 1:38:33 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Hipolito Olaes	Individual	Oppose	No

Comments:

- This has already been ruled unconstitutional in court, stop wasting taxpayers resources and peoples time, and stop infringing on our 2A rights.

- This continues to impose undue burden on your constituents, having to take multiple days off work to fulfill these burdensome unconstitutional requirements.

- This also exposes law abiding citizens to unnecessary travel with a firearm.

HB-2075

Submitted on: 2/5/2022 1:44:31 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alexander Landrum	Individual	Oppose	No

Comments:

Active duty military personnel routinely arrive on orders separately from their household affects as well as their families. Frequently service memebbers must attend training or deployments while their families relocate which often means household goods which may contain firearms will enter the state well in advance of the service members actual arrival. The proposed legislation does not accommodate military service memebbers and creates a situation where it is impossible to comply with both military orders and state law without createing severe undue cost and hardship.

HB-2075

Submitted on: 2/5/2022 1:45:04 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Elliott	Individual	Oppose	No

Comments:

Once again, the legislature of the state of Hawaii seeks to violate the rights of it's citizens with this bill. You the lost the most recent lawsuit and are trying to put in place similar rules that the judge said NO to. This state has no respect for the Constitution, the 2nd Amendment or the rights of law abiding citizens.

There is NO reason for in person inspection of out of state firearms. If someone is filling out the online registration, then that's good enough. The registration scheme that Hawaii uses in UNCONSTITUTIONAL in itself. I guess another lawsuit is needed.

PRIVATE SALES are just that. An online registration transfer should suffice.

CITIZENS are legally allowed to build a firearm from parts as they have been from before the birth of our nation. There is no such thing as a GHOST GUN. A law abiding citizen has to get a serial number upon completion if none assigned.

Your endless and EPIC FAILURES to actually address crime, criminal behavior and punishment is the root of crime in Hawaii. Why don't you start with enforcement of existing laws, requiring prosecution and punishment for crimes.

STOP trying to violate the CONSTITUTIONAL RIGHTS of law abiding citizens.

I strongly OPPOSE this bill.

HB-2075

Submitted on: 2/5/2022 1:45:10 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
David Lau	Individual	Oppose	No

Comments:

I opposes HB2075 because it has language in it that has already been found to be unconstitutional in Federal Court. It places burdens on law abiding citizens with un-needed and unconstitutional inspections. This bill does not define how it makes the community safer. This bill will not impact the criminal element because criminals do not obey the law. If law makers want to stop and or eliminate gun crime, law makers need to focus on the criminal(s) not the gun. HB2075 does none of it.

HB-2075

Submitted on: 2/5/2022 2:07:43 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Matt Smith	Individual	Oppose	No

Comments:

I oppose this bill for several reasons.

1. It was already ruled unconstitutional in a past law
2. Requires an undue burden on people to carry out a legal law event and is in essence an unhanded attempt to illegally curtail a lawful constitutional right
3. Requires a person to travel with a firearm unnecessarily when a federally licnesed registration could just as easily happen at any licnesed gun shop.

Please use some common sense and vote against this attemp to subvert our Constitution that you took an oath to uphold.

HB-2075

Submitted on: 2/5/2022 2:13:51 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Glenn	Individual	Oppose	No

Comments:

Hi

As a private citizen of the state of Hawaii I want to express my opposition to this bill because it represents an infringement upon my rights. This issue was already settled in court in Yukutake vs Connors where the plaintiff won because the permitting and registration process was a huge inconvenience and therefore an infringement on all law abiding gun owners.

The current system in place was a result of that court ruling and is reported as working well. I had to apply for permitting and registration under the old system and it was a huge inconvenience upon me and my wife. We are permitted and law abiding gun owners and although the old system was a huge infringement upon our rights we still went through the process because we want to comply with what was required locally.

Please strike this bill down and choose to side with the law abiding citizen as opposed to siding with criminals. If the intent is to thwart the efforts of those who are criminals or who have criminal intent then this bill will have absolutely no effect in stopping them. I would rather you spend more time crafting legislation that will be tougher on crime and impose harsher sentences on those who have no regard for the laws of our state.

If you pass this bill, it will definitely lead to another law suit and there already is a president set that declares any such law is an infringement on our rights. Please don't subject the state to any law suit which would require more taxpayer dollars to fight. At its core it is unconstitutional.

Although I don't mind the longer period permit validity to allow us to acquire our fire arms. I don't like any other part of the bill which requires in person registration. The old system which again we were deemed to be unconstitutional because it was an infringement on our rights, required one to take 3 different trips to the main police station which was incredibly inconvenient for just about everyone because we all have work and really could not afford to take the time off to go through the process.

Keep the current system, don't try to fix what is not broken. Don't open up the state to further lawsuits which would require more public tax money. Just keep it the way it is now.

Thank you for allowing me to voice my opposition to this bill.

HB-2075

Submitted on: 2/5/2022 2:36:13 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
tony lee	Individual	Oppose	No

Comments:

Already ruled Unconstitutional by the courts.

HB-2075

Submitted on: 2/5/2022 2:38:33 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Donna P. Van Osdol	Individual	Oppose	No

Comments:

Dear Chair Nakashima and Vice Chair Matayoshi:

While there is a good aspect to HB2075 such as increasing the handgun permit expiration date from 10 days to 30 days, I am submitting written testimony against the bill.

Part of the bill I do oppose is the cumbersome requirement of firearm registration and inspection of firearms at the county police departments in person for:

1. Private person to person sales;
2. "Ghost guns"; and
3. Out of state firearms brought into Hawaii.

Most importantly, I am in opposition to HB2075 because it will overturn some of the permitting and registration decisions made in the Yukutake vs. Conner lawsuit.

Thank you.

HB-2075

Submitted on: 2/5/2022 4:05:23 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Edward Hampton	Individual	Oppose	No

Comments:

Again? Why didn't this bill die with it's twin in the senate?

You people know better, or you should. What you're trying pass has already been ruled unconstitutional in court. Further, nothing in it would prevent gun CRIMES. It is a blatant attempt to usurp the rights of the citizens of this state.

If you're going to make a law, make it to HELP your constituents.

Here, let me give you a hand...

"If a person is convicted in a court of law for using a firearm in the commission of an actual crime, they shall be sentenced to a term of 25 years without possibility of parole. If another person was injured or killed in the commission of said crime, the penalty shall double without exception."

Stick that into the appropriate section of the code, then you'll be protecting the public from firearms crime.

You're Welcome.

HB-2075

Submitted on: 2/5/2022 5:14:22 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Barry Lau	Individual	Oppose	No

Comments:

Aloha

I was born and raised in Hawaii and highly oppose this bill. It was already ruled unconstitutional in a court of law so I don't understand why this bill would be introduced. Why don't you introduce bills that will keep criminals in jail instead of punishing law abiding citizens.

Mahalo, Barry Lau

HB-2075

Submitted on: 2/5/2022 5:30:31 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Chyanne Shibata	Individual	Oppose	No

Comments:

I oppose this bill because it will be reimplementing in person registrations and firearm inspections, when this was already ruled UNCONSTITUTIONAL in Federal court. It causes one to travel unnecessarily with said firearms, and the need to take additional time off work to get these things done.

This bill will have NO EFFECT on CRIMINAL USE of firearms.

HB-2075

Submitted on: 2/5/2022 5:36:24 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Blaine Stuart	Individual	Oppose	No

Comments:

I will immediately challenge this bill if it becomes law. Currently I own firearms that are located in three different states. I will move that legal personal property as I see fit. You may be able to make me register personal property like bikes, autos, boats, animals, plants and firearms when I bring them into the state. But, it is unreasonable for you to expect that I bring this personal property to government offices for inspection. Do you require this of a bicycle? Then why would you think it is reasonable to personally inspect constitutionally protected personal property in government offices? This bill should be buried and never spoken of again.

HB-2075

Submitted on: 2/5/2022 7:09:46 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael A. Wee	Individual	Oppose	No

Comments:

The measures in this bill will violate the settlement terms in the recent Federal lawsuit. A similar bill has been deferred by committee in the Senate. Please do not waste your time and resources on proposing requirements that have already been deemed unconstitutional.

HB-2075

Submitted on: 2/5/2022 8:12:04 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mark White	Individual	Oppose	No

Comments:

Chair Nakashima and JHA Committee Members,

What in the world was Speaker Saiki thinking when he filed--whether "by request of another party" or not--this open and flagrant contravention of a US District Court ruling? I thought I'd seen it all in Hawaii but this measure, introduced by someone who swore to uphold the US and Hawaii Constitutions, shows a blatant disregard for the rule of law and the oath of office taken as an elected official.

While I support the 30 day extension for permit expirations, I cannot in any way agree that Hawaii should violate the court's decision by requiring in-person registration for any firearm, bought in, or brought in, to this state. People wishing to register their firearms are not the criminal element Hawaii's legislators claim to be worried about.

Kill this bill, HB2075, at the earliest opportunity you have to do so.

Mark White
Waialeale, Waipahu
(808) 753-5323

HB-2075

Submitted on: 2/5/2022 10:28:31 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Richard Holibaugh	Individual	Oppose	No

Comments:

Hello, thank you for taking the time to read my testimony. I oppose HB2075 as it places a burden on firearms owners to have their firearms physically inspected in person at the Honolulu Police Department's (HPD) Main Station. Every firearms purchase in Hawaii conducted at a Federal Firearms License (FFL) requires the completion of ATF Form 4473. The ATF 4473 has all of the relevant information concerning a specific firearms purchase and transfer. Information such as who is the FFL (dealer), who is the transferee (buyer), the firearm manufacture, model, serial number, type, and caliber. After every firearms purchase through an FFL in Hawaii, the information of the firearms transfer/sale is sent to the HPD. FFLs are subject to oversight from the Bureau of Alcohol, Tobacco, and Firearms (BATF), a federal law enforcement agency whose primary mission concerns firearms. Therefore, it is unreasonable--and recently ruled unconstitutional--to mandate by law that a firearm must be physically brought to the HPD for inspection when the information has already been provided to them and is available for inspection and heavily regulated by the federal government. I urge you, as our law makers, to speak to our county and state prosecutors, judges, and Hawaii Paroling Authority to ensure our current firearms laws are being enforced. I challenge you to look at the HPDs arrest logs for one week and see how many are arrested on Oahu for firearms offenses. Out of these arrests, how many are prosecuted, convicted, and serve prison time? As a federal law enforcement officer stationed in Hawaii for the past 15 years, I would like to see our current laws applied and enforced on criminals, not have additional laws passed that only impact legal gun owners. I thank you for your time.

HB-2075

Submitted on: 2/5/2022 10:28:47 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dr Marion Ceruti	Individual	Oppose	No

Comments:

HB 2075 is an awful idea and should be discontinued immediately before anyone wastes more time on it. The senate version of this bill already has been deferred due to overwhelming opposition. A federal court has declared the provisions of this bill, in-person registration and firearms inspection, to be unconstitutional. This bill is completely unnecessary, serves no useful purpose, and protects no one.

Criminals will not comply but law-abiding gun owners will have to make a special trip with their firearms, thus exposing themselves to possible loss in case their vehicle is involved in an accident or if a criminal seizes control of their vehicle. Please, kokua, kill this bill now, or at least vote NO on HB 2075.

HB-2075

Submitted on: 2/5/2022 10:43:18 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lisa Ann K. Holibaugh	Individual	Oppose	No

Comments:

Aloha! Thank you for taking the time to review my written testimony.

I oppose HB2075 due to the additional costs, in money and time, it will cost me to physically bring my firearm to be inspected at the Honolulu Police Departments' Main Station.

Furthermore I do not feel comfortable bringing my firearm to the police station as it will require me to hand carry in a case which may subject it to being stolen.

As for "ghost guns" this issue is already addressed under HRS 134-10.2., and HRS 134-15.

I thank you again for your consideration of my opposition to HB2075.

HB-2075

Submitted on: 2/6/2022 5:46:59 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jerry Ilo	Individual	Oppose	No

Comments:

Very strongly oppose! Many points in this bill have already been struck down as Unconstitutional in Federal Court. It places an undue burden on Law abiding people seeking to registrar legal firearms. Furthur it has zero impact on criminals.

HB-2075

Submitted on: 2/6/2022 9:35:20 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Klayton Kubo	Individual	Support	Yes

Comments:

Support

HB-2075

Submitted on: 2/6/2022 9:39:42 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kevin J. Cole	Individual	Oppose	No

Comments:

Aloha,

I wish to state my Opposition to HB2075. As with SB3043, the antiqued procedures for in-person registration place an undue burden on citizens wishing to exercise their Constitutional Rights.

On Oahu for example taking items to HPD Headquarters is unbelievably cumbersome. One is often forced to park many blocks away, carry their cased items through downtown, and then stand in the narrow confines of the registration section. (I'm surprised that no one has been injured tripping over cases in the hallway).

Then upon completion one has to return their items back home, since storing them in a car is not allowed. This often requires a person to miss a whole day of work. Citizens are not required to take whole days off to register to vote or visit their elected representatives; neither should the have to do so for this Constitutional Right.

The paperwork transfers and on-line system works well in many mainland states. Such a process works for all concerned, including the police force (less hassle for them). Items purchased in-state, brought in from out of state, or private sales should not have to be brought into a station.

As for "ghost guns" this is very problematic. Many laws dealing with this notion run afoul of people who like to build and restore firearms. Is a restored item made from several firearms a "ghost gun"? Statutes such as these are fraught with peril and often lead to lawsuits.

Now the increasing of the Handgun Permit expiration date from 10 days to 30 days, I SUPPORT whole heartedly. This would make registration issues simpler for all concerned. By spreading out the process, citizens have more flexibly to arrange for registration and law enforcement won't be under such a jam.

I still OPPOSE the overall Bill, however I ask that the provision increasing the time period for Handgun Permitting be submitted as a separate proposal as it would be supported by all parties concerned.

Thank you for your consideration.

Kevin J. Cole, Col USAF (ret) Mililani

HB-2075

Submitted on: 2/6/2022 11:07:03 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rita Kama-Kimura	Individual	Oppose	No

Comments:

Please note that I oppose the passing of this bill, HB2075, relating to Fire Arms.

Note I do support the handgun permit expiration dates being extended from 10 to 30 days. However, it appears to ignore the recent **Federal Court decision in the Yukutake vs Connors case**, with regards to “ghost guns, private sale and firearms brought into Hawaii” based on it being ruled **unconstitutional**. The word “**unconstitutional**” should be adhered to.

So please let’s stop wasting time and stop the passing of this bill.

Rita Kama-Kimura

HB-2075

Submitted on: 2/6/2022 11:58:15 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
George Pace	Individual	Oppose	No

Comments:

Defeat HB2075!

Having to appear in person at a distant selected police department during business hours is a gross inconvenience that serves no useful purpose in lowering crimes involving firearms in any way at all. Stop it! It's just plain stupid. Not to mention having been ruled unconstitutional by courts.

If I have one of the firearms this bill would require to be registered in person, not only would I have to drive 40 minutes each way to the police station, but I am not legally allowed to stop ANYWHERE AT ANY TIME during the trip because I have a firearm in the car... unless I were to include a hunting excursion, a trip to the range, or a stop at "a place of repair". That's idiotic laws in action. Thanks for that. That's really lowered the gun crime rate. Please cite me one example of that law stopping a single crime. And I mean REALLY, not hypothetically.

To demonstrate the utter preposterousness of this law, if my car needed gas to make the full 1 hour and 20 minute round trip, I would have to drive 15 minutes to the nearest gas station, get gas, then drive 15 minutes back to my home, put the firearm in my car, and THEN drive the 40 minutes each way DIRECTLY to the police station and THEN DIRECTLY back home, without stopping anywhere (except the above mention possible legal stops). Does anyone with more than one functioning brain cell think those "rules"/laws are even rational, much less serve any useful purpose in lowering crime? It's pathetically absurd, so Hawaii legislators will no doubt continue their pattern and pass it, but I'd ask any sane person to please use common sense and vote against it.

NO on HB2075! Enough already!

While you're at it why not a gut and replace for statewide permitless open and concealed carry? You know, like the Constitutions (Federal and State) clearly "imply" ("right to... bear... shall not be infringed"), and currently implemented in 21 states. Since currently not one single person in the entire state of Hawaii (4 (four) permits issued in 23 years, none (zero) ever issued in the county of Hawaii where I reside) may lawfully bear arms outside their home for the purpose of self defense, does any rational person not see that fact as obvious infringement? smh.

HB-2075

Submitted on: 2/6/2022 1:15:40 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robert A Okuda	Individual	Oppose	No

Comments:

Dear Members of the Committee,

This bill puts extra burdens on law abiding citizens to exercise their consitutional rights. Therefore, I respectfully oppose it. Thank you.

HB-2075

Submitted on: 2/6/2022 4:37:41 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
travis	Individual	Oppose	No

Comments:

I oppose this bill. This bill does nothing but harass the law abiding citizen and will do nothing against criminals

HB-2075

Submitted on: 2/6/2022 7:51:24 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rosemarie Jauch	HIFCO	Oppose	No

Comments:

This bill serves to reimplement firearms inspections which has already been ruled on. The ruling was that it is unconstitutional to do so.

The 2A... The right of the people to keep and bear arms shall not be infringed.

Be well,

Grandma Rose

HB-2075

Submitted on: 2/6/2022 9:03:54 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Andrew Namiki Roberts	Individual	Oppose	Yes

Comments:

Each month the county police departments send firearms registration data to the state attorney general office. This data is then released in an annual report by the attorney general.

Reports are available for the years 2012-2021, and the data provided shows that the state had a total of 371,491 firearms have been registered in the state. The number of firearms that were found to be prohibited during the same time was 14, or 0.0037%

These reports can be viewed at; <https://ag.hawaii.gov/cpja/rs/specialrpts2013/> and the raw monthly reports for 2020-2019, which were obtained via UIPA request, can be viewed at; <https://hifico.org/ag-reports/> (1800 pages total)

As this data shows, the argument that inspecting these firearms is a public safety requirement is simply false.

Furthermore, the financial cost of inspecting these firearms is huge, with the Honolulu police department spending around 1.2 million dollars a year on its firearms and records division. Much of this is from the wasteful inspection of firearms.

At any time, there is a total of 3-4 uniformed police officers working at the firearms counter. This is because HPD will only let uniformed police officers inspect the firearms brought to the station. The average police officer in Hawaii earns \$60,400, which equates to more than \$240,000 in wages just for these inspections to occur.

By eliminating the in-person inspections, the registration could be handled by a single data entry clerk. This would bring the yearly cost of registrations down to less than \$40,000 a year.

The arguments that are being presented to reimplement this law are the same arguments presented to the judge in Yukutake vs. Connors. The same arguments the judge rejected for not satisfying intermediate scrutiny.

When asked for any data that shows that the law is needed for any form of public safety, the attorney general's office was unable to present any. The reason for this, as I Have shown, the reason for this is the data clearly shows it's not.

HB-2075

Submitted on: 2/6/2022 9:26:01 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
steven a kumasaka	Individual	Oppose	No

Comments:

this bill has already been deferred in the senate

firearms registration procedures were changed because they were found to be unconstitutional, changing parts of them back will still be unconstitutional

the state will get SUED ONCE AGAIN and will LOSE ONCE AGAIN if these changes are made

DO NOT cost the state more \$\$\$ and time

I STRONGLY OPPOSE THIS BILL

HB-2075

Submitted on: 2/6/2022 9:26:54 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Joel Berg	Individual	Oppose	No

Comments:

Requiring in person registration is counter intuitive. Why would anyone LIE about registering a firearm, particularly when the alternative for those of nefarious intent is to quietly not do it at all for private sales or out of state firearms brought in. This law makes being complaint with registration more difficult to the point that individuals will not bother registering at all.

Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair
Committee on Judiciary & Hawaiian Affairs Committee
Hearing: Tuesday, February 08, 2022, at 2:00 p.m.
Regarding: **HB 2075 (Relating to Firearms)**
Voter Position: OPPOSITION

Representatives of the Judiciary & Hawaiian Affairs Committee,

I express my **opposition** to **HB 2075 (Relating to Firearms)**. This bill is a companion to **SB 3043** and serves as a secondary attempt to reintroduce a physical firearm inspection requirement. Once again, **HB 2075** abrogates the ruling set forth by the [United States District Court for the District of Hawaii in Yukutake v. Connors, Civ No. 19-00578 JMS-RT \(D. Haw. Aug. 16, 2021\)](#). As put succinctly in the case when addressing the physical firearms inspection and 10-day waiting period provisions within HRS § 134-2(e) and HRS § 134-3(c),

“...the Government has entirely **failed to demonstrate** how each law effectuates its asserted interest in public safety, **neither law can pass constitutional muster under the standard of this review.**”

“In **absence of concrete evidence**, the only support that the Government offers is **conjecture.**”

Source: Case 1:19-cv-00578-JMS-RT Document 107 Filed 08/16/21 (pg. 2, 28)

https://www.govinfo.gov/content/pkg/USCOURTS-hid-1_19-cv-00578/pdf/USCOURTS-hid-1_19-cv-00578-0.pdf

Redundancy *Still* Does not Significantly Increase Public Safety

The *National Firearms Act* already imposes a requirement whereby manufacturers, importers, or makers of a firearm must legibly identify a firearm with a serial number that **cannot** be obliterated, altered, removed, or be duplicative of another firearm.

§ 479.102 How must firearms be identified?

(a) You, as a manufacturer, importer, or maker of a firearm, must legibly identify the firearm as follows:

(1) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof an individual serial number. The serial number must be placed in a manner **not susceptible of being readily obliterated, altered, or removed, and must not duplicate any serial number placed by you on any other firearm.** For

Source: <https://www.atf.gov/file/58141/download>

This federal provision, therefore, ensures that the serial number of a firearm is accurate and unaltered at all times. Hawaii's attempt to require an in-person inspection of a firearm that already complies with the requirements of established federal code is an unnecessary redundancy. Any deviation from this federal provision **prevents** the transfer of a firearm to the state of Hawaii via a federal firearm license (FFL) holder and accordingly, means that the firearm in question will pose no threat to public safety. A duplication of effort does not constitute a valid public safety enhancement.

Proposed Provisions Do Not Stop Criminal Activities

Criminals, by their very essence, will not comply with any provisions set forth by **HB 2075** (or its companion, **SB 3043**). Criminals will simply continue to threaten public safety with their criminal activities, unless they are stopped by law enforcement. Moreover, as required by the proposed **HB 2075**, a police representative that merely examines a firearm and reaffirms information already present on a firearm does not affect an individual's will or conscience. The threat to public safety caused by criminal activity requires a different legislative mechanism involving law enforcement which cannot be fulfilled with the amendments proposed by **HB 2075**.

Abrogation of a Lawful Order by a Federal District Court

The only acceptable way forward is to strike out all other provisions of this bill with the exception of the provision that **increases** the expiration date for a permit to acquire a pistol or revolver from 10-days to 30-days.

Any deviation from such revision constitutes a violation of a lawful order from a cognizant federal district court.

Thank you for taking the time to review this testimony.

Respectfully,

Ryan C. Tinajero

Constituent of **House District 48**

HB-2075

Submitted on: 2/6/2022 9:58:09 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mery Ann Luna	Individual	Oppose	No

Comments:

I oppose this bill for the following reasons: 1) it has been ruled unconstitutional by our federal court. And 2) I live and work in Waianae so my traveling time including taking time off is frustrating. Gas prices are high and I already work two jobs just to keep a float. Time off costs me money I need to survive here in HI. So with that I have to take off both jobs especially when I have a firearm to register because backtracking costs gas money. My second job is in town and so with a firearm I would have traveled fr waianae to town, then back to waianae, then go back into town to work. The current process helps me from traveling with my firearm back and forth. I can easily register online and lesson my trips to HPD which allows me to not take additional time off.

HB-2075

Submitted on: 2/6/2022 10:05:50 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cheryl Tanaka	Individual	Oppose	No

Comments:

I dont even have time to go to the police station yet alone have any dr appt done on the weekdays. I work almost 7 days a week and dont even have time for myself. Why are you violating the rights of the people. Unless you would like to pay for everyones time off, that could work out but its about 3 days of work. You already lost the lawsuit once, why are trying to go back again? Why dont you work on the criminals and the crime instead? You know they will never follow the rules right? Look at all the crime happening to old people and robberies, what are you doing about that?

HB-2075

Submitted on: 2/6/2022 10:09:29 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jacob Holcomb	Individual	Oppose	Yes

Comments:

Do you really want the State to get sued and lose again over procedures that were already found to be unconstitutional? How about we save those attorney general resources for the Red Hill fight instead?

HB-2075

Submitted on: 2/6/2022 10:09:59 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ryan Arakawa	Individual	Oppose	No

Comments:

I OPPOSE this bill. This would be a waste of tax dollars by making HPD less efficient. This bill does nothing to reduce crime.

HB-2075

Submitted on: 2/6/2022 10:12:21 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ryan Matsumoto	Individual	Oppose	No

Comments:

Hello Representative,

I strongly oppose this bill because in-person registration was recently ruled unconstitutional in Federal Court. This bill will again re-implement in-person firearm inspections that require law abiding citizens to take days off of work to register firearms they bring into the state, register private sales or transfers, and register firearms with engraved serial numbers. This bill does not serve the public interests in the name of safety and does not and will not affect criminal use of firearms. Should this bill pass, we will have four different registration processes across the state and the process was ruled unconstitutional.

Thank you,

Ryan

HB-2075

Submitted on: 2/7/2022 3:51:42 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ted Baldonado	Individual	Oppose	No

Comments:

I **OPPOSE** this bill.

This bill does no affect anybody other than the law abiding citizen. The online system has yet to mature and allow trust between the population and law enforcement. The barrirer that this bill introduces has already been decided by the courts. It was difficult and time consuming to travel with a firearm case while being unable to protect myself if in an event of someone trying to steal it in transport. The current online registration system is the better solution.

Mahalo

HB-2075

Submitted on: 2/7/2022 5:14:09 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Clifford Goo	Individual	Oppose	No

Comments: Aloha JHA Committee members, I am in opposition of HB2075 moving forward. The former registration process has been deemed unconstitutional in the Federal Courts decision in *Yukutake v Connors*. Though the increase in permit expiration from 10 to 30 days and the removal of inspection of firearms received from an FFL are a step in the right direction for law abiding firearms owners, I do believe you are taking a step backwards and creating confusion again by requiring certain firearms acquisition types to be handled in person. "Ghost Guns" are illegal so who in their right mind would register them anyway? If a criminal want to get one, I'm pretty sure they will get one. Remember, criminals do not follow laws. When doing a person to person transfer, both parties need to submit paperwork with firearms description. If it does not match, (serial number, type, etc.) the HPD can track this and confirm it. I believe the new system is working fine and there is not enough data to say we are at a public safety risk by not changing the requirements.

HB-2075

Submitted on: 2/7/2022 5:19:47 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brendon Heal	Individual	Oppose	No

Comments:

Oppose this bill

The mandates to require in person registration and inspections have already been struck down in federal court as unconstitutional.

All pertinent and required information on the firearms and the thorough background checks are already accomplished prior to purchase.

This bill serves no purpose for public safety and criminals do not register firearms. There is no reason to go back to the old unconstitutional method. It is a waste of police time, resources, and tax dollars.

strongly oppose this bill

HB-2075

Submitted on: 2/7/2022 6:42:29 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Woody Child	Individual	Oppose	No

Comments:

I oppose HB2075.

HB-2075

Submitted on: 2/7/2022 7:11:36 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alice Abellanida	Individual	Oppose	No

Comments:

I oppose this bill. The gun laws in Hawaii are unconstitutional and need to loosen restrictions, not make them worse.

HB-2075

Submitted on: 2/7/2022 7:41:42 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lyle HIromoto	Individual	Oppose	No

Comments:

Hello,

This bill has already been found unconstitutional in federal court and would inconvenience law abiding citizens.

Thank you.

HB-2075

Submitted on: 2/7/2022 7:42:20 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Eric Kaneshiro	Individual	Oppose	No

Comments:

I am opposed to this bill and will vote against those who support it. Mahalo.

HB-2075

Submitted on: 2/7/2022 7:57:12 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Richard Elkins	Individual	Oppose	No

Comments:

Dear elected representatives,

I very strongly oppose HB2075 as it is a direct infringement of my 2nd amendment rights and places me and my family in jeopardy.

- Requiring inspection of a firearm brought in from another state, personally constructed, or purchased from an individual has already been struck down as unconstitutional. Making multiple trips to the police department serves no benefit and wastes everyone's time and resources.
- This bill would create more, unnecessary registration processes across our island state. Again, wasting resources.
- This bill will not impact criminal use of firearms in the slightest, but make it harder for law-abiding citizens such as myself to comply with ridiculous laws.

I implore, and instruct you, my elected representatives, to cancel this bill. I am more than willing to discuss these matters if you would like more information.

Respectfully submitted,

Richard Elkins

(865) 919-9550

HB-2075

Submitted on: 2/7/2022 8:38:23 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
davin asato	Individual	Oppose	No

Comments:

To Whom It May Concern,

I am writing in regards to HB2075, a proposed bill that would require that a person who acquires a firearm, physically present that firearm to their local police department for inspection and registration. The requirement of this process was removed by a recent case, Yukutake vs Conners, where it has now become common practice to register a firearm online and no longer in person. The mere wording of this proposed bill violates the courts decision in no longer making it a requirement to do in person registrations. Local police departments already have in place the ability for firearms to be registered online. This process is safer and more convenient for the person acquiring the firearm. It helps by not having to carry a firearm unnecessarily from place to place just to be in compliance.

Please note my opposition to HB2075. Thank you for your time and attention.

Respectfully,

Davin Asato

HB-2075

Submitted on: 2/7/2022 8:41:10 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Francis Corpuz	Individual	Oppose	No

Comments:

This bill will have no affect on criminal misuse of firearms.

It will implement in person registration and inspection, which has already been deemed unconstitutional in federal courts. Criminals do not register their guns.

It will force people to travel unnecessarily with their guns. And also force people to take off additional days off from work.

There could also be differing processes to register between counties.

HB-2075

Submitted on: 2/7/2022 8:44:20 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
jayson guzman	Individual	Oppose	No

Comments:

I don't see the purpose of this bill, as in-person firearm registration and firearm inspection was recently deemed unconstitutional in federal court.

It was very difficult to exercise one's 2nd amendment rights previously, and an individual needed to take multiple days off from work in order to lawfully acquire a firearm. This bill would reintroduce those hardships once again. This is important in todays economy where inflation has caused financial hardships, and taking time off would impede on one's finances and would strain an already short-staffed workforce.

This bill will create unnecessary travel with a firearm, potentially increasing the risk of having it stolen, and in the hands of a criminal. This bill serves no public interest at all. I oppose this bill.

HB-2075

Submitted on: 2/7/2022 9:31:35 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Matt	Individual	Oppose	No

Comments:

I am opposed to this bill. This bill is not going to do much to curb crime. Someone doing an illegal purchase of a firearm is not going to bother to register the gun just because the law requires them to in person register the firearm.

HB-2075

Submitted on: 2/7/2022 9:48:25 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jon Gushiken	Individual	Oppose	No

Comments:

To Our Lawmakers,

I oppose SB3043. In-person registration is just another outdated, irrelevant, and onerous step to try and prevent people from owning firearms in Hawaii. There is no substantive data to back up the claim that in-person registration results in lower crime. The study cited in the legislation does not show any causal link between registration and lower firearm deaths - as we are often told, "correlation DOES NOT equal causation."

In addition, why would you want people carrying their guns in public to get registered if you think they are "so dangerous?" Wouldn't you want those "dangerous weapons" locked in people's homes as much as possible?

Sincerely,**Jon Gushiken****Kahului**

HB-2075

Submitted on: 2/7/2022 9:48:33 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christian R Grado	Individual	Oppose	No

Comments:

The firearm registration system alone is a violation of the 2nd amendment of the constitution. The human right to keep and bear arms should not be dependent upon inspection or registration by the local police department. Strongly oppose any measures which would create stricter registration requirements.

HB-2075

Submitted on: 2/7/2022 9:50:32 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
JOVENCIO B LUGA	Individual	Oppose	No

Comments:

This bill will require me to take additional vacation days off besides the 2 days that I needed. First day off is to apply for permit to acquire the firearm and the second one is to pick up the permit. Those vacation days can be used to spend time with my families.

Also, this type of bill was already ruled as unconstitutional in federal court.

HB-2075

Submitted on: 2/7/2022 9:53:02 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Elijah Kim	Individual	Oppose	No

Comments:

I opposed HB2075 that amends section 134-2, Hawaii Revised Statutes, to increase the time a permit to acquire a firearm can be used from 10 days to 30 days. Law-abiding citizens have the right to bear arms. Why do the politicians of this State always try to deny our Constitutional rights of freedom? Please listen to your constituents and uphold our patriotic duties

Additionally, do not amend section 134-3, Hawaii Revised Statutes, to eliminate physical inspection of firearms generally to require physical inspection of firearms brought into the State, firearms involved in private sales or transfers, and firearms and firearm receivers with engraved or embedded serial numbers. Again, stop imposing gun control. Instead, focus on empowering your law-abiding constituents!

YUKUTAKE VS CONNERS

Plaintiff in the Federal Lawsuit for in-person inspection of firearms.

House Judiciary & Hawaiian Affairs Committee
Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

HEARING: February 8, 2022 at 2pm
RE: HB2075 Relating to Firearms

As the plaintiff in the lawsuit Yukutake v Connors, I **OPPOSE** HB2075. I sued, and won the Federal District Court lawsuit, to remove the in-person inspection requirement of firearms at the police station as required in HRS 134-3. This bill violates Judge Seabright's order for in-person inspection of firearms to include his denial of stay on his order.

NO PURPOSE:

The in-person inspection requirement serves no purpose. No other state in the nation has an in-person firearms inspection requirement. Hawaii would be the only one. Most states do not have any form of firearms registration, you buy a firearm and take it home. The minority of state's with firearms registration, like California, do it through mail in forms or online, and don't require firearms inspection.

THE BURDEN:

As a worker in a high cost of living state, the time and milage spent going to the police station costs a lot of money. This is the burdensome process I have to go through to register a firearm under this bill:

1. Go to work
2. Go to residence to pickup firearm.
3. Go to HPD to register firearm (opens at 8:30am)
4. Go to residence to store firearm
5. Return to work.

Taking a day off of work to do this was brought up in the lawsuit. It is a day off I can't use for something else (vacation, sick, etc) and some people do not have the ability to take off from work. It costs me \$250 + milage to take a day off of work which I see as a tax on my rights.

It is also a waste of police resources at a time when there are police manpower shortages.

GOOD SYSTEM ALREADY IN PLACE

The police departments have already implemented a good system for remote firearms registration, and this would mess it up. This system is widely praised by gun owners and the police for saving everyone time and money. For example, Honolulu has a very good firearms registration website where you can

register the firearm quickly on the internet. Maui also has a good firearms remote registration system. This bill would mess up something that everyone likes.

I **OPPOSE** HB2075 for its firearm inspection requirements that violate terms of the Federal Court order. I do support the extension of the permit expiration date to 30 days which would settle that part of my lawsuit. However if it is a all or nothing bill, I choose nothing to defeat this bill.

Mahalo

Todd Yukutake

PH. (808) 255-3066

Email: toddyukutake@gmail.com

Attachments:

Excerpts from judges orders

References:

Summery Judgement: https://www.govinfo.gov/content/pkg/USCOURTS-hid-1_19-cv-00578/pdf/USCOURTS-hid-1_19-cv-00578-0.pdf

Denial of stay for firearms inspection: https://www.govinfo.gov/content/pkg/USCOURTS-hid-1_19-cv-00578/pdf/USCOURTS-hid-1_19-cv-00578-1.pdf

every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”).

V. CONCLUSION

The 10-day permit use period and the in-person inspection and registration requirement are severed from their respective statutes and invalidated. The Defendant is enjoined from enforcing those provisions. Defendant’s Motion for Stay Pending Appeal is GRANTED with respect to the court’s injunction against enforcement of the 10-day permit use period in HRS § 134-2(e). But Defendant’s Motion for Stay Pending Appeal is DENIED with respect to the court’s injunction against enforcement of the in-person inspection and registration requirement in HRS § 134-3(c). The clerk of court is directed to enter Judgment in favor of Plaintiffs and close the case file.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, September 23, 2021.



/s/ J. Michael Seabright
J. Michael Seabright
Chief United States District Judge

Finally, it is again worth noting that Hawaii is the *only* state in the country to require in-person inspection and registration of firearms. ECF No. 85-1 at PageID # 614. As in the case of the 10-day permit use period, if it were truly a matter of common sense that in-person inspection and registration promoted public safety—or that misidentification in the absence of in-person inspection and registration was a problem—one would expect additional states to maintain similar requirements. The Government has failed to show that the in-person inspection and registration requirement is reasonably tailored to a significant, substantial, or important government interest. HRS § 134-3(c)’s in-person inspection and registration requirement does not survive intermediate scrutiny.

V. CONCLUSION

For the foregoing reasons, Plaintiffs’ Motion for Summary Judgment is GRANTED and Defendant’s Counter Motion for Summary Judgment is DENIED.

HRS § 134-2(e)’s requirement that “[p]ermits issued to acquire any pistol or revolver shall be void unless used within ten days after the date of issue” is declared unconstitutional in violation of the Second Amendment. Defendant’s officers, agents, servants, employees, and all persons in active concert or participation with Defendant are permanently enjoined from enforcing HRS

§ 134-2(e)'s 10-day permit use requirement for handguns. To be clear, no other language in HRS § 134-2(e) is found unconstitutional.

HRS § 134-3(c)'s requirement that, with the exception of certain licensed dealers, "[a]ll other firearms and firearm receivers registered under [HRS § 134] shall be physically inspected by the respective county chief of police or the chief's representative at the time of registration" is unconstitutional in violation of the Second Amendment. Defendant's officers, agents, servants, employees, and all persons in active concert or participation with Defendant are permanently enjoined from enforcing HRS § 134-3(c)'s in-person firearm inspection and registration requirement. To be clear, no other language in HRS § 134-3(c) is found unconstitutional.

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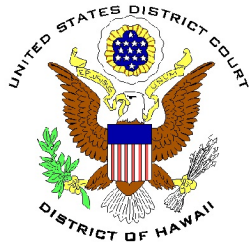
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Pursuant to the parties' Stipulation, ECF No. 106, and Federal Rule of Civil Procedure 58(b), entry of separate judgment in this action will be delayed until September 15, 2021. The Order shall not take effect and shall not be appealable until the separate judgment is entered. The Clerk's Office shall not close the case file at this time.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, August 16, 2021.



/s/ J. Michael Seabright
J. Michael Seabright
Chief United States District Judge

HB-2075

Submitted on: 2/7/2022 9:58:26 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bruce F Braun	Individual	Oppose	No

Comments:

More government intrusion, Unacceptable.

HB-2075

Submitted on: 2/7/2022 9:59:04 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
tony frascarelli	Individual	Oppose	No

Comments:

I OPPOSE this bill because the courts have already ruled with the recent Yukutake et al. v HI lawsuit about in person firearms registration. Thus, this bill as written would appear to violate the courts order and resulting state settlement. Enactment of this measure would likely invite another lawsuit which the state would have to waste time and money to defend against.

Current law already requires person to person firearms sales to be reported to the police within a specified time limit and there is no requirement that the firearm be shown to the agency when re-registering to it's new owner. Requiring such imposes an unnecessary burden on the person when it has already been shown in previous testimony that there is no evidence that bringing a firearm into an agency to register made any difference in crime rates.

This bill is the answer to a nonexistent issue.

HB-2075

Submitted on: 2/7/2022 9:59:45 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Chad Okumura	Individual	Oppose	No

Comments:

I do understand the need for laws surrounding firearms, however, none of these will have any effect on illegal gun owners, who should really be the targets of the law. On the contrary, they will negatively impact lawful citizens who legally own firearms. If any legislation should be passed, it should be largely based around harsher penalties (**that are actually imposed**) upon those who illegally obtain and carry/use firearms. Please stop criminalizing those who abide by the law and please stop enabling criminals to victimize our law abiding citizens.

HB-2075

Submitted on: 2/7/2022 10:01:50 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bradd Haituka	Individual	Oppose	No

Comments:

I am opposed to this unconstitutional bill being presented. There are key issues in this flawed bill that have already been ruled unconstitutional. This bill creates undue hardships and unnecessary hurdles for me to legally register future firearms that I may purchase. I work overnight from sunday thru thursday, I finish work at 8am friday morning. If I needed to register a firearm. I would need to go home, retrieve said firearm, and then drive all the way to hpd firearms division downtown. Parking is limited, my personal time is limited, and a potentially hazardous and unnecessary trip can be avoided due to the new online registration system in place. Please do not violate my constitutional rights any further by passing this unconstitutional bill.

HB-2075

Submitted on: 2/7/2022 10:05:15 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kenny Kwan	Individual	Oppose	No

Comments:

I oppose this bill as it does not help our communities be safer or benefit anyone in any way.

First of all, purchasing a firearm is the same whether purchasing through a dealer or private party. There would be no reason to require in-person registrations and physical firearm inspections just for private sales.

In-person registrations are such a burden on people trying to follow the law. They would have to take off of work to stand in line for an unknown amount of time when they could be working and supporting their family. Physically bringing in your firearm will also create un-needed transportation of the firearm. We currently have online registrations which are working great, i'm sure HPD is already busy with all the registrations coming in.

Physical inspections of firearms are also pointless because the inspector is not inspecting for safety, only for a serial number which is provided and cross checked in the database. There would be no need for physical inspections.

Also, in case anyone forgot, ANY in-person registration and physical inspection of firearms were ruled UNCONSTITUTIONAL last year, that's why we have online registrations. I support the online registration as it is very akamai and helps everyone to abide by the law. Please don't fix something that's not broke.

Please listen to the law abiding citizen and help us follow the law. Please don't deter and make following the law difficult and a burden. Please help us help you.

HB-2075

Submitted on: 2/7/2022 10:15:27 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Charles Tom	Individual	Oppose	No

Comments:

My name is Charles Tom. I am a veteran, previous HPD officer, retired HFD captain, and retired from USDA Wildlife Services as a biotechnician. I oppose HB 2075 requiring reimplement of in-person registration and firearms inspections. These have already been ruled unconstitutional by a Federal Court. Requiring the above changes means that I have to take my firearms with me for registration. This can be difficult when parking is hard to find and carrying perhaps multiple heavy weapons from blocks away. There was a day when I had to carry two rifles from the area of the old Honolulu Medical Group to HPD Headquarters. I was concerned to be walking down the street obviously carrying those weapons. If someone had taken them from me, there would be unregistered firearms in the community. I have used the present system without difficulty and see no reason to change it. As an American citizen, I oppose anything that infringes on my Constitutional rights.

HB-2075

Submitted on: 2/7/2022 10:23:30 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Laura Brown	Individual	Oppose	No

Comments:

I am writing in opposition to HB2075. This bill will do nothing to stop criminal activity. The solution is to enforce existing laws and prosecute criminals. Some of proposals in this bill have already been ruled unconstitutional. Please focus on criminal activity and not on law abiding citizens.

Mahalo,

Laura Brown

HB-2075

Submitted on: 2/7/2022 10:29:05 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ryan Chong	Individual	Oppose	No

Comments:

To whom it may concern, I would like to submit my testimony opposing HB2075. This bill would just create more of a hardship for law abiding citizens. This bill will do nothing more than create another obstacle. It punishes those who follow the law and do the things the right way and will not deter those who don't follow the laws. Thank you for your time and consideration.

HB-2075

Submitted on: 2/7/2022 10:30:30 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Daysha Mendes	Individual	Oppose	No

Comments:

My name is Daysha-Rae Mendes and I don't understand why you continue to hinder our right to bear arms. Many of the things you are asking for in this bill has already been deemed unconstitutional. Stop it already. Law abiding citizens do not deserve this. I **OPPOSE** this bill! I pay may taxes, I follow the law, you all should too.
Mahalo.

HB-2075

Submitted on: 2/7/2022 10:32:04 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Arthur Kluvo	Individual	Oppose	No

Comments:

Enough already. What are you trying to do?

Hawaii already has too many controls over firearms that are not being enforced. Stop this nonsense.

Statistics show we are NOT like those in Chicago where firearm killings are rampant.

I have been a law abiding gun owner since moving to Hawaii in 1962. Hawaii gun laws are draconian compared with many other states. Don't further hamper our freedom with unnecessary firearms control. Vote to oppose HB2075. Mahalo.

HB-2075

Submitted on: 2/7/2022 10:37:38 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Renny Chee	Individual	Oppose	No

Comments:

This bill would create unnecessary travel for a citizen with a firearm to the downtown district.

HB-2075

Submitted on: 2/7/2022 10:38:32 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Vladimir Cabias	Individual	Oppose	No

Comments:

I strongly oppose HB2075. The bill does nothing but reimplement a procedure that was deemed unconstitutional in Federal court. In person registration is a large waste of time and resources for the individual(s) involved as well as the police department.

In this pandemic, many aspects of life have switched away from gatherings and meetings in person. It only makes logical sense for firearm registration to be done online.

HB-2075

Submitted on: 2/7/2022 10:39:00 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sean Loo	Individual	Oppose	No

Comments:

I oppose this bill because it would require additional unnecessary visits to the police station. These additional visits will not only cost me time which is already limited for me working multiple jobs everyday but also the financial burden from having to take time off work and the additional gas used to get to the police station.

HB-2075

Submitted on: 2/7/2022 10:41:32 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Richard W. Adams	Individual	Oppose	No

Comments:

I don't have the extra days off work required to register firearms and I can't afford the cost of gas required by the unnecessary travel to town to register a firearm,

Another anti-2nd Amendment law that has no positive affect on criminals. This bill again complicates the registration processes here in Hawaii.

In-person registration and firearms inspection have already been ruled unconstitutional in a federal court and this bill appears to be an attempt at creating a loophole to circumvent the federal court

HB-2075

Submitted on: 2/7/2022 10:44:09 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John Meadows	Individual	Oppose	No

Comments:

HB2075 will bring back into effect the in person registration and firearm inspections both of which were deemed unconstitutional in Federal court.

HB2075 will require additional time off from work to register and would require unnecessary travel with the firearm.

HB2075 will have 4 different firearm registration processes.

HB-2075

Submitted on: 2/7/2022 10:46:02 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
PHILIP LAPID	Individual	Oppose	No

Comments:

The in-person registration and firearm inspection has already been ruled unconstitutional by the federal court, it is getting redundant. Just like any and all Law abiding citizens, I would want to register my firearms in a fast and as simple way possible, criminals will not bother registering their guns. I oppose the bill HB2075.

HB-2075

Submitted on: 2/7/2022 10:48:06 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Normand A Cote	Individual	Oppose	No

Comments:

Aloha House of Representatives Members,

The conditions laid out in this bill have already been taken up with the courts and deemed unconstitutional. The entire bill is an infringement of the second amendment which clearly states the right to bear arms shall not be infringed. This is written in plain language so that all can read and understand it, unlike this multiple page bill that includes a recap of decades of making it harder for citizens to purchase and carry a gun. Specifically the tone of the bill is smug and it blatantly defies the supreme court's ruling. Shall not be infringed means there is no hold up, no special screening process, or licensing requirements forced on the people by the government. Thank you for your consideration.

Normand A Cote

Law Abiding Citizen

HB-2075

Submitted on: 2/7/2022 10:50:20 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christopher Tanouye	Individual	Oppose	No

Comments:

I oppose this bill because it is trying to reimplement in-person registration of firearms which has been ruled as unconstitutional. It will create the burden of unnecessary extra time needed to register firearms. It will have no affect on crimes committed using firearms. It is also a step in the wrong direction towards having a singular registration process across the state. Thank you for your time

HB-2075

Submitted on: 2/7/2022 10:56:09 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lissa Cockett	Individual	Oppose	No

Comments:

Aloha Hawaii state legislators, I want to first thank you for your oath and firm commitment to serve the people of Hawaii. Thank you for your willingness to recognize differing perspectives when it comes to these various proposed house bills. But most importantly that you would consistently hold them up to light of the rights that are granted to the American people, and protected by the United States Constitution.

With this said, I am in firm opposition of House Bill 2075 because it directly infringes upon the second amendment and the right to bear arms. The key points of this proposed house bill have already been ruled unconstitutional in a federal court, therefore you as our legislators are responsible to uphold the Constitution and these federal rulings.

Finally, certain leaders in Hawaii continue to press for unconstitutional restrictions of the second amendment. The same restrictive bills continue to be proposed from year to year and are a waste of time because of their unconstitutional nature. I ask you as the leaders of this state to put a stop to the attack on our protected Second Amendment rights. Your valuable time can be used more wisely in seeing to the prosperity of this state & its people.

With the utmost gratitude, thank you for your time and commitment.

Much Aloha,

Mrs. Lissa Cockett

HB-2075

Submitted on: 2/7/2022 10:57:23 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
danny yamada	Individual	Oppose	No

Comments:

As a law abiding tax paying citizen of Hawaii I oppose this bill

HB-2075

Submitted on: 2/7/2022 11:00:22 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
steven lee	Individual	Oppose	No

Comments:

I oppose HB2075.

Hawaii already has some of the most restrictive gun laws in the country that cause excessive burdens upon us residents. More gun laws that impose even greater burdens on our residents will do nothing or very little to those criminals who don't follow the laws.

It's very easy for criminals to circumvent the multitude of government-imposed restrictions. They simply ignore the laws that create unnecessary burdens for the vast majority of gun owners that are law-abiding citizens.

HB2075 would impose even greater burdens on the law abiding citizens of Hawaii by requiring us to physically travel with our firearms.

HB2075 would impose four different registration processes.

HB2075 WOULD NOT affect criminals who already acquire guns illegally... and without any registration. It WOULD create even greater burdens upon the law-abiding citizens of Hawaii.

HB-2075

Submitted on: 2/7/2022 11:10:51 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robert Coster	Individual	Oppose	No

Comments:

I am respectfully submitting the following testimony in OPPOSITION to bill HB2075.

I am wonder when the State Legislature will abandon continued efforts to erode the Constitutional rights of the citizens they are supposed to be representing. This bill is a continuation of wastefull efforts to enact State sponsored oppression with regard to firearms rights of "We the People" and represents continued efforts to retry previous efforts already slapped down by our Supreme Court. Specifically it:

- 1.) Does nothing to curb cime, nothing. This bill has zero impact on criminals and criminal behavior.
- 2.) Attempts to reimplement in person registration/inspection of personal firearms that has already been ruled on as unconstitutional by the highest court in the land.
- 3.) Places the burden on private citizens to take time off of work to get the firearm inspected with the additional issue of transporting a firearm unnecessaially.
- 4.) Provides for a confusing and disparrent process across four different State jurisdictions.

I respectfully urge this legislature to not only vote this bill down, but discontinue all further efforts that are clearly INFRINGING on law abiding Hawaiian citizens to legally own firearms. Something our Constitution clearly spells out. If any of you are confused about the intent of our Second Ammendment most of your questions can be answered by just reading the applicable Federalist paper #29 submitted by Alexander Hamilton. Stop wasting valuable legislative time and effort and concentrate on the out of control waste of tax dollars, political corruption, and critical infrastructure that has fallen behind.

Respectfully,

Robert A. Coster, USCG retired

HB-2075

Submitted on: 2/7/2022 11:12:55 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Samuel M. Aquino Jr.	Individual	Oppose	No

Comments:

Hello and Aloha,

As with SB3043, I strongly oppose HB2075. It is an extremely time consuming process to have to make MULTIPLE trips to HPD's mainstation for the permitting/acquisitioning/registration process of firearms. Not to mention the fact of loss wages of having to take off from work to do so. And with the covid19 pandemic still much in effect it is much safer to do the registration portion online as it prevents people from gathering at the HPD's mainstation. This bill would also violate the ruling of Yukutake V Connors and would more than likely result in another lawsuit. Thank you for your time.

HB-2075

Submitted on: 2/7/2022 11:14:37 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kyle Kaiser	Individual	Oppose	No

Comments:

Everything about this bill is unconstitutional, unnecessary, and a drain of resources that could be used more productively serving other purposes. Please Democrats, stop complicating our 2nd amendment rights.

HB-2075

Submitted on: 2/7/2022 11:18:26 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John Lee	Individual	Oppose	No

Comments:

This bill is unnecessary and waste of time and does not good. Didn't the federal courts ruled that it is unconstitutional? It will not affect the criminals. It will only make it unsafe for honest firearms owners to will need to haul firearms down for inspection at the risk of getting robbed and hurting our backs. Plus the cost of taking time off work. If it would do some good to take firearms away from criminals I would be all for it. It does not make Hawaii a safer place.

HB-2075

Submitted on: 2/7/2022 11:19:01 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ronald Matsushige	Individual	Oppose	No

Comments:

I am opposed to this legislation because I feel it would only penalize people who legally own or want to purchase firearms, and will not stop people who own or obtain them through illegal means. Thank you

HB-2075

Submitted on: 2/7/2022 11:24:14 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Myron Hoefer	Individual	Oppose	No

Comments:

The Federal court has already ruled that the in person inspection requirement is a unconstitutional burden on my civil rights. My firearms are registered. If I choose to sell them to another person, that person would have to take them in without any real justification for inspection by the police department. Why does the PD need to see them if they are already registered? They don't. This unnecessary requirement puts the buyer at risk in traveling to the PD, and also causes the loss of personal time that person must sacrifice to satisfy posturing by the State Attorney General. Please vote this bill down!

Thank you.

HB-2075

Submitted on: 2/7/2022 11:29:52 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Patrick Baltazar	Individual	Oppose	No

Comments:

Hello!

I OPPOSE this bill! It does not benefit law abiding gun owners! We already have to take off from work to come in for permitting and registration. Also, it will require owners to travel unnecessarily with their firearms to be inspected in-person, which has been ruled unconstitutional in federal court! Please oppose this bill! Mahalo!

HB-2075

Submitted on: 2/7/2022 11:30:54 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Travis	Individual	Oppose	No

Comments:

I Strongly OPPOSE this bill

This bill would me require me to take additional days off work in order to register firearms. Since Im not legally able to store it in my vehicle or on my persons at work it would require me to leave work go home pick up my firearm take it to the police station then drive back home and then back to work. This is unnecessary traveling let alone taking longer then the standard alocated lunch break time frame

This bill would only make it more difficult to legally own a firearm in Hawaii and has no affect on criminal use or aquisitions of firearms

HB-2075

Submitted on: 2/7/2022 11:32:49 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brandon Akena	Individual	Oppose	No

Comments:

Hello, I am writing to oppose the passage of HB2075.

I am in opposition to this bill due to the imposed hardship that will be placed back on law abiding citizens. The bill itself does nothing to stop those who would break the law. The law abiding citizens are those who make the effort to follow the laws by getting the permit to acquire, then going back to HPD to pick up the permit, then going to the Firearm dealers' shop, and then finally back to HPD.

This is what this bill is proposing to do. Going back to the old system of registration forces those who are legally obtained firearms to use time, money, and gas to go back and forth to HPD.

This bill also has been ruled unconstitutional in federal court which allowed for the new system that is currently in place.

Again this bill has no effect on criminal use of firearms and imposes a hardship on the law abiding citizens of Hawaii.

Mahalo,

Brandon Akena

HB-2075

Submitted on: 2/7/2022 11:34:23 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tony L Wood	Individual	Oppose	No

Comments:

I vehemently oppose this bill. The registration is extremely onnerous and troublesome. This will place a burden on taxpayer gun owners who statistically are some of the most law abiding citizens. There is no parking combined with having to walk through a crime ridden area with firearms just to get to the registration desk. The supreme court struck down the previous registration method and now you are trying to sneak back in the exact same thing that was struck down. Reprehensible.

HB-2075

Submitted on: 2/7/2022 11:36:36 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Stanley Mendes	Individual	Oppose	No

Comments:

I strongly oppose bill HB 2075

HB-2075

Submitted on: 2/7/2022 11:40:34 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Daniel Wela	Individual	Oppose	No

Comments:

I strongly oppose this bill. This bill has already failed in the Senate and deserves a similar outcome in the House. Stop wasting the Public's time with unconstitutional requirements for in person inspections and registration. Citizens have to take time off from work and burn their vacation time or take leave without pay. You will be setting the state up to getting slapped down in Federal Court again. What effect will this have on crime and criminals? None.

HB-2075

Submitted on: 2/7/2022 11:44:27 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
David Kikukawa	Individual	Oppose	No

Comments:

I strongly oppose this bill.

HB-2075

Submitted on: 2/7/2022 11:49:33 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
brett iwanuma	Individual	Oppose	No

Comments:

I strongly oppose this bill. Restrictions such as this have already been found unconstitutional.

HB-2075

Submitted on: 2/7/2022 11:52:18 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Russell Takata	Individual	Oppose	No

Comments:

I strongly OPPOSE this bill. This is simply a re-installaton of the unnecessary and multiple visits to apply and register a firearm. The proposal will not make communities any safer. The only impact is on law-abiding citizens, not criminals.

HB-2075

Submitted on: 2/7/2022 11:55:48 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Marc D Godt	Individual	Oppose	No

Comments:

ALOHA

this bill appears to be an attempt at legislating something which has already been ruled unconstitutional. There is absolutely no reason to require in person registration.

IF the firearm is acquired legally, the permit process does the job/function that we as society ask of our government: Run the background check etc.

ADDING additional steps or hoops to jump through are simply done to make the process more difficult, more time consuming, more costly, and more infringement on basic civil rights clearly spelled out in the Bill of Rights.

Legal gun owners willingly comply with the necessary steps to own and safely use firearms. Criminals will never jump through the multiple hoops because they are criminals. Laws such as this simply burden the legal taxpaying residents of Hawaii.

I see no public benefit from this legislation. While the extended days for a permit to be open is a nice - IT IS NOT NEEDED or Necessary. I am certain the firearm community of this state is fine with the 10 day permit period.

Please OPPOSE HB2075.

Respectfully Submitted,

Marc D. Godt / Maui

HB-2075

Submitted on: 2/7/2022 12:02:39 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ken Nakakura	Individual	Oppose	No

Comments:

I oppose HB2075 and any and all bills whose intent is to take away the rights and infringe on those rights and make it harder for lawful gun owners and enthusiasts to acquire and keep and use any and all guns.

HB2075 will not do anything to stop criminals from acquiring and using guns unlawfully. It will only put more restrictions and make it harder for law abiding gun owners and enthusiasts acquire and register their legal guns.

Hawaii has more than enough gun laws regulating acquiring, registering and keeping guns that we lawful gun owners follow.

But these are useless and mean nothing to criminals who disregard the laws, no matter how many you make and no matter how harsh.

Go after and catch the criminals that disregard all the gun laws already on the books. And prosecute and convict them instead of making more laws that just put more restrictions and inconvenience on the gun owners already following the laws.

For example the criminals that used a gun to rob a sports card store just last week.

Hawaii's restrictive gun laws do nothing to stop criminals like these from acquiring guns unlawfully and/or using them unlawfully.

Once again I oppose HB2075 and any and all others laws intent on only putting more restrictions on lawful gun owners and enthusiasts. And which also have been ruled unconstitutional in federal court.

I also want to urge you to overturn other restrictive Hawaii gun laws that violate the Second Amendment of the United States Constitution.

HB-2075

Submitted on: 2/7/2022 12:06:00 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Richard Frey	Individual	Oppose	No

Comments:

This bill is just another burden on the non-criminal citizen.

HB-2075

Submitted on: 2/7/2022 12:09:17 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Chelsea Tilfas	Individual	Oppose	No

Comments:

Aloha,

I am submitting my testimony to oppose this bill. This bill serves no public interest and has no impact on criminal use of a firearm. It will require unnecessary travel with a firearm by requiring in person registration which has already been ruled unconstitutional, hence, more days off of work to simply register our firearms. It will give us four different registration processes across the state which is NOT feasible.

HB-2075

Submitted on: 2/7/2022 12:10:33 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nancy Timko	Individual	Oppose	No

Comments:

I oppose HB2075

HB-2075

Submitted on: 2/7/2022 12:35:31 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Glennon T. Gingo	Individual	Oppose	No

Comments:

Aloha from the Island of Hawaii,

Strongly Oppose this bill as it creates unnecessary steps to register a firearm and also creates unsafe processes ie. Waiting in long lines with firearms to register them.

Mahalo Nui Loa

HB-2075

Submitted on: 2/7/2022 12:36:00 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Austin White	Individual	Oppose	No

Comments:

I question the motives of this and the accompanied Senate bill, SB3043, which has now been deferred. The State lost the lawsuit which has already deemed these actions unconstitutional. Firearms registration procedures were changed because they were found to be unconstitutional. Changing parts of them back will still be unconstitutional. So why are we trying to pass another bill, which WILL get sent to litigation, deemed unconstitutional based on the previous lawsuit, and then removed.

How much time and money are we spending on a bill doomed to failure?

As such I OPPOSE this bill

HB-2075

Submitted on: 2/7/2022 12:38:01 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
christy gusman	Individual	Oppose	Yes

Comments:

As a law abiding citizen I strongly oppose this bill. This bill is a reimplementatation of the firearms inspection process which earlier this yer was removed from Hawaii Statute bu the Yukutake v. Conners Lawsuit.

1) This bill if passed will be in violation of our rights and will open the State up for further lawsuits.

2) The State of Hawaii implemented COVID Guidelines and protocols for a reason the State Capital is closed because of COVID and you expect me to have inperson contact with a stranger and hand my gun over for someone else to touch and inspect is not in my best interest for reasons of health and safety protocol.

Please DO NOT PASS this Bill.

Christy K Gusman

HB-2075

Submitted on: 2/7/2022 12:41:14 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dirck Sielken	Individual	Oppose	No

Comments:

I strongly oppose this bill. The state's old system was found to be unconstitutional by requiring people to come down in person to register and as well to bring the firearm down for HPD inspection. This was determined unconstitutional in federal court and now you are trying to re-establish the same practice that is unconstitutional. This does nothing for public safety and does nothing to deter criminals. It will only remake the registration process back into an convoluted unconstitutional process and open the state to more lawsuits.

HB-2075

Submitted on: 2/7/2022 12:45:25 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brian Ley	Individual	Oppose	No

Comments:

I strongly oppose HB 2075 Beside the federal courts finding this unconstitutional I travel to the mainland for work all the time. I would prefer to buy my firearms in hawaii but with all the unnecessary rules and hoops to jump through I just buy the majority of my guns on the mainland with the covid quarantine I was placed in a no win situation it was either violate my quarantine to take the gun into town or violate the register the gun within the 5 days upon arrival in the state please stop placing unnecessary burdens on law abiding citizens with all these rules

Sincerely Brian Ley

HB-2075

Submitted on: 2/7/2022 12:50:29 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John Viado	Citizen	Oppose	No

Comments:

Aloha,

I am writing to oppose this bill. This bill makes it hard for me because I have to take off of work to go to register my firearms. Pre covid there was a line of over 45 people and took us 3 days that we had to stand in line or lose our place. You should not treat people like this. We are Law Abiding Citizens. It's a shame that in Hawaii you make it so difficult for people to do the right thing. I do not want to take my guns to the police station and have a stranger handle my guns with covid. You mandated rules for covid so why are we doing this???

These rules were overturned in court so why are YOU not following the LAWS.

VOTE NO ON THIS BILL.

Mahalo,

John K Viado

HB-2075

Submitted on: 2/7/2022 12:54:56 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Romeo Yadao	Individual	Oppose	No

Comments:

This will reimplement in person registration when it is already resulted being unconstitutional.

HB-2075

Submitted on: 2/7/2022 12:57:19 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Reginald Eubanks	Individual	Oppose	No

Comments:

I strongly oppose HB2075 because a gun registration is illegal in the United States. However, if Hawaii is going to break federal law, make the process easy for law abiding citizens. Online registration is easy to execute and does not overly burden gun owners. The process should be the same for out-of-state gun purchases as well. The law already requires guns to be registered within days of entering the state, so this law serves no public interest. Private sales also fall under the previous law for registering/transferring firearms within days so no further action is necessary. I personally witnessed a Soldier drag over 30 rifles into HPD, that he inherited from his father, simply because he was stationed here. No Soldier or citizen should have to experience such a burden. Please vote NO on HB2075.

HB-2075

Submitted on: 2/7/2022 12:57:50 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kelvin N Asahina, DDS	Individual	Oppose	No

Comments:

I strongly oppose HB2075

I am a dentist by trade who happens to be a firearms enthusiast. It appeared we were moving forward in getting rid of overbearing laws that make obtaining a firearm a ridiculous task here in the islands. While the rest of the country is heading towards constitutional carry, we at least reduced some of the time consuming and unconstitutional rules necessary to obtain a permit to acquire and then registering a firearm.

In late 2019 I obtained a permit to acquire a longgun. In 2020 I was essentially gifted a rifle from a patient who is an LEO. In order for me to actually get it, it took me over three months to even get into the HPD firearms system to make an appointment to have the rifle inspected and that appointment was 2 months after that date. I barely made the deadline for my longgun permit, literally by only one week. I would have had to start the whole procedure of making an appointment to acquire a permit, then trying for months to get another appointment to have the rifle inspected.

I don't know about your schedule but as a dentist I don't have the free time to abandon my patients to go through what was the time consuming task to obtain one firearm. Even now I am sitting over my lunch trying to write this testimony as I am otherwise booked solid and have little time to sit at my computer let alone leave my office to take a firearm in for an unconstitutional inspection.

Furthermore, should I chose to leave my legal firearms to a family member who I would be sure has the proper and legal training to own a firearm, then there should be no reason for them to have to have my already registered and inspected firearms reinspected. It is redundant.

Please vote no on HB2075. Thank you for your time and attention to this matter.

Sincerely, Kelvin N. Asahina, DDS

HB-2075

Submitted on: 2/7/2022 1:01:11 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
David P Veal	Individual	Oppose	No

Comments:

I strongly oppose this bill and any other legislation that proposes to restrict my ability to defend myself or family.

This bill is also contrary to a recent ruling in federal court that has already specifically addressed our in-person registration process and firearms inspections as unconstitutional.

This bill also places undue burden on me and all law abiding citizens to coordinate time off from work with their employer and use vacation leave to adhere to a process that is only accessible during a typical citizens work or duty hours.

This bill not only requires unnecessary time and effort to get approval to take off from work and use leave otherwise reserved for emergencies or vacation but it also compounded by explaining to your employer why the amount of unnecessary and unreasonable back and forth travel time is necessary for this process. Not only is this a burden to complete this process for the average citizen, it has already been determined as unconstitutional in federal court. This is an inefficient and ineffective process that will also introduce four completely different registration processes across our state. This will add more inconsistency, confusion, and inefficiencies which is absolutely unacceptable and unreasonable on so many levels.

Ultimately, legislation should promote efficiency of our government. However, this bill demonstrates no public interest, it also negatively impacts the law abiding citizens, and will have zero impact on criminal use of firearms.

HB-2075

Submitted on: 2/7/2022 1:09:13 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Justin Arnold	Individual	Oppose	No

Comments:

I oppose this bill for the reason that in-person inspections are unlawful, a total waste of time, and provide no real safety to anyone in the community. It only causes more hassle, time out of work, and an unnecessary trip to the police station. We should not be making it harder for people to register their firearms since this state currently forces its residents to register them, which is also unlawful. But that's another bill I suppose.

HB-2075

Submitted on: 2/7/2022 1:16:43 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
James “Jim” O’Keefe	Individual	Oppose	No

Comments:

I am writing to STRONGLY OPPOSE HB2075, which seeks to reimpose an unconstitutional requirement of excessive visits to the police departments. This requirement comes at a significant cost of time & earnings lost by people who have to take off of work to comply with.

HB-2075

Submitted on: 2/7/2022 1:21:15 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gavin Lohmeier	Individual	Oppose	No

Comments:

oppose HB2075. It has already been ruled that physically bringing in a firearm to be registered is unconstitutional. HPD was sued and lost that court ruling. this is the same thing, unconstitutional. If HPD gets sued again, they will lose again. this bill is a waste of time

HB-2075

Submitted on: 2/7/2022 1:21:56 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rikki Rutt	Individual	Oppose	No

Comments:

I strongly oppose this bill because in person registration requiring bringing in the firearm has been found unconstitutional and was overturned by the courts. The type of firearm or transaction does not matter as it is the same registration requirement. This bill is reinstating a policy that was just struck down and removed. I hope you all will make the right decision.

HB-2075

Submitted on: 2/7/2022 1:24:23 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alejandro Munoz	Individual	Oppose	No

Comments:

This bill will bring back the in person registration, which has been ruled unconstitutional in a federal court.

HB-2075

Submitted on: 2/7/2022 1:31:17 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
charles Ferrer	Individual	Oppose	No

Comments:

This bill has already been deferred by the senate. Firearms in person registration was already ruled to be unconstitutional by a federal court. This will do nothing to curb gun use by the bad guys, they will still do as they please. This bill will cost me more money for gas and more time taken off from work. This will end up back in court and the state will loose again, wasting time and money. I STRONGLY OPPOSE THIS BILL.

HB-2075

Submitted on: 2/7/2022 1:33:24 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Taarna D'Adamo	Individual	Oppose	No

Comments:

I "Oppose" this bill as it serves no public interest and has no effect on criminal use of firearms.

The bill will reimplements in person registration which has already been ruled unconsitutinal in federal court.

This bill will reimplement firearms inspections which has already been ruled unconstituional in federal court.

This bill will create unnecessary travel with firearms.

HB-2075

Submitted on: 2/7/2022 1:38:08 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Daniel Oshima	Individual	Oppose	No

Comments:

please oppose HB2075; online registration is sensible and saves individuals valuable time and money, versus requiring individuals to make trips back and forth to HPD. This also frees up HPD Firearms Unit personel for better efficiency.

Thank you, Daniel Oshima

HB-2075

Submitted on: 2/7/2022 1:40:44 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Benel Piros	Individual	Oppose	No

Comments:

Contents in this Bill has already been concluded unconstitutional in a Federal Court. Will cost taxpayers money if it goes to court. And criminals don't follow Laws.

HB-2075

Submitted on: 2/7/2022 1:44:53 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mark Woodward	Individual	Oppose	No

Comments:

I oppose HB 2075. It will once again require unnecessary travel with a firearm. Because of difficulty finding parking downtown during business hours and the easy access to downtown via the Bus, I prefer to use public transportation when I can. I am uncomfortable carrying firearms on public transportation and I am sure others are also. I am sure other passengers are also uncomfortable with this. This bill will also require unnecessary time off from work and will complicate the registration process. Will this bill really have any effect on criminal use of firearms?

HB-2075

Submitted on: 2/7/2022 1:45:35 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John Arnest	Individual	Oppose	No

Comments:

This Bill imposes restrictions on individuals, such as in-person firearm registration and inspection, that have been ruled unconstitutional by the US Supreme Court. Furthermore, compliance with these measures would require time to be taken off from employment and unnecessary transportation of firearms. For these reasons we urge this Bill not to be passed.

HB-2075

Submitted on: 2/7/2022 1:45:44 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Paul Fukuda	Individual	Oppose	No

Comments:

I strongly oppose this bill. It once again includes in person registration and in person inspections that were both struck down as unconstitutional. Why reintroduce these rules that have already been struck down? It's common sense that these rules only affect law abiding citizens and not criminals who do not care or follow established rules.

Paul Fukuda, P. E.

HB-2075

Submitted on: 2/7/2022 1:45:45 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John D'Adamo III	Individual	Oppose	No

Comments:

I oppose HB2075

It was already ruled unconstitutional in federal court.

Don't Forget Your Oath To The CONSTITUTION

HB-2075

Submitted on: 2/7/2022 1:50:42 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Botello	Individual	Oppose	No

Comments:

Aloha,

I am writing in opposition to two provisions in this bill. First, I oppose the in person registration requirement for certain classifications of firearms or personal situations. Reimplementation of the in person registration requirement would not be a significant factor to aid public safety and would also be in violation of the Federal decision made in Yukatake v. Connors. Furthermore, I have no faith and confidence that if this bill becomes law that HPD would chose to not prosecute violators. I have personally experienced the rough and inconsiderate treatment of private citizens at the firearms unit and have also witnessed the arrest of a person in line at HPD for bringing in an illegally acquired firearm for registration. Unless amnesty were included in the bill there is no reason to rely on the good graces and discretion of HPD. It's laughable to think that once aware of a crime or violation that they would refuse to act when they are required to do so.

I approve of the increase from 10 days to 30 days for handgun permit expirations. Preferably this should be extended out for 12 months from the date of issue.

Mahalo

HB-2075

Submitted on: 2/7/2022 1:54:53 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Josh Hekeia	Individual	Oppose	No

Comments:

Dear Members of the committee for the Judiciary and Hawaiian Affairs. Thank you for the opportunity to testify on this measure.

I write in opposition to the HB 2075. While I support extending the permit period from 10 to 30 days, but I oppose the requirement that guns brought it from other states need to be further inspected. The additional physical inspection by the firearms division of county police was already deemed unconstitutional by a federal court of appeals. To my knowledge, private sales of firearms is illegal. All firearms sales must be done via a federal firearm licensed (FFL) dealer. FFL's are required to be familiar with the laws that govern firearms in the State of Hawai'i and are aware of those that are illegal (e.g., rifles with barrels shorter than 16 inches, pistols that have a greater capacity of 10 rounds, as well as firearms that lack serialized numbers).

This bill adds to the bureaucratic delays in registering firearms (which was deemed unconstitutional), but won't get at the root problem of preventing illegal guns from entering our State. Those who comply with firearm laws are not the problem. This bill will not stem the illegal flow of guns into our state simply because those who choose to disobey our laws will not be registering their guns with county police departments. Essentially this bill will not result in the anticipated affect that its author intended.

Thank you.

HB-2075

Submitted on: 2/7/2022 1:56:45 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sterling Michael Hao	Individual	Oppose	No

Comments:

this bill for one has been deemed unconstitutional by the supreme courts and this would be reason for me to go to the police station multiple times which would hinder my ability to provide for my family as I would have to leave work multiple times.

please do not pass this bill as I am a law abiding citizen who just wants to exercise my rights and protect myself and my family

HB-2075

Submitted on: 2/7/2022 1:57:18 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Quintin Leong	Individual	Oppose	No

Comments:

I am writing in opposition of the proposed HB 2075. In case Yukutake V Connors, the federal court ruled that having to "register and inspect" in person was an infringement on my Second Amendment rights. Reimplementation do this will only violate the rights of lawful firearms owners on the state, will require me to take time from work and family. All the while it will do nothing to deter criminals from obtaining firearms, and create a system within the state of Hawaii that has no standard form county to county.

HB-2075

Submitted on: 2/7/2022 2:08:11 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Walter Faulconer	Individual	Oppose	No

Comments:

The 2nd ammendment has been reinstated (to a degree, more is needed) in our state, stop fighting against the 2nd ammendment of the constitution. Now allow concealed carry and further protect the 2nd ammendment. Politicians of Hawaii, stop opposing the constitution and 2nd ammendment.

HB-2075

Submitted on: 2/7/2022 2:11:56 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Thomas D. Higgins	Individual	Oppose	No

Comments:

Aloha,

I appoose this Legislation for multiple reasons first it is estimated that 50,000 Police Department manhours used to enforce this unconstitutinal regulation and NOT ONE CRIME WAS PREVENTED a total waste of my tax dollars what a complete utter disaster. Second Federal Courts already deemed this Registration process UNCONSTITUTIONAL and if passes SAF will have the State of Hawaii back in Federal Court again wasting even more of our tax dollars defending this useless regulation. Thirdly the time out of my day and having to travel with gun in car is just a waste of time. so I ask to oppose HB 2075

Mahalo

Thomas D Higgins

HB-2075

Submitted on: 2/7/2022 2:40:23 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rogelio Lazaro	Individual	Oppose	No

Comments:

I am writing to oppose HB2075: re-implementing in person registration/inspection of firearms at the police station.

This bill is regressive and does not serve public interest nor have effect on criminal use of firearms.

The current system being used by HPD is running just fine. Compared to the previous system where you had allot of people lugging around their firearms in downtown for registration purposes. The current system being utilize allows a person to bring in their firearm(s) for registration should they want, by choice.

This bill have already been ruled unconstitutional by the federal courts. Why would you re-implement a bill that is not legal and wrong?

I urge you to kill this bill.

HB-2075

Submitted on: 2/7/2022 3:06:19 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jacob Kapu	Individual	Oppose	No

Comments:

I oppose HB2075 because I'm a law biding citizen

HB-2075

Submitted on: 2/7/2022 3:08:06 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christopher Carvalho	Individual	Oppose	No

Comments:

I strongly OPPOSE this bill HB 2075. One reason is it would reimplement in person registration, which has been ruled unconstitutional in a federal court. Having to return to the police station to register the firearm also causes more hardship, by needing to travel a second time unnecessarily with the firearm, and needing to take days off from work to do it. This bill in no way has any effect on criminal use of firearms. It also reimplements fire arm inspection which was also ruled unconstitutional. Bills like this do nothing to help law abiding citizens exercise their 2nd amendment rights.

LATE

HB-2075

Submitted on: 2/7/2022 4:59:02 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Steve Lipscomb	Individual	Oppose	No

Comments:

I strongly oppose this bill because it will have the impact of circumventing the Hawaii District Court's decision that requiring in-person registrations is unconstitutional (*Yukutake v Conners*, 2021). Additionally, the D.C. Circuit pointed out in *Heller v. District of Columbia*, (D.C. Cir. 2015), requiring individuals to bring firearms into the police station for in-person inspection and registration may “more likely be a threat to public safety [because] there is a risk that the gun may be stolen en route or that the would-be registrant may be arrested or even shot by a police officer seeing a ‘man with a gun.’”

Further, requiring in-person registration and inspection places undue burden on the firearm owner to take time off work, and risk exposure to COVID in order to comply with a previously-declared unconstitutional process.

LATE

HB-2075

Submitted on: 2/7/2022 7:05:11 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gary Fuchikami	Individual	Oppose	No

Comments:

I'm writing as I'm strongly opposed to this bill (similar to the Senate bill I opposed) for the same reasons I made in the Senate version. It's unconstitutional as ruled by some Federal courts regarding "inspection" of the firearm by the Police and requiring "in person" registration for same. Also, the fact that Oahu has ONLY ONE location for registration, that creates long lines and long waiting periods in line to get these things done, often causing serious problems for those who must take time off from work and their jobs in order to comply with these rules. Let's face it, virtually all of the people being required to do this do NOT commit firearm-related crimes and you're punishing these lawful citizens because of these antiquated draconian policies.

With a population of a million people on Oahu, firearm registration and permitting MUST BE DONE by all of the police stations. Even the Big Island which has a significantly smaller population has TWO locations to register firearms. Perhaps the State should take some of that \$3 BILLION SURPLUS and upgrade the police stations on Oahu so they can register at all locations! Frankly, we're sick and tired of being pushed around by foolish requirements which do ABSOLUTELY NOTHING for Public Safety. Wake up, Legislators!

LATE

HB-2075

Submitted on: 2/7/2022 7:23:32 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brian Isaacson	Individual	Oppose	No

Comments:

This bill is trying to circumvent the recent decision forbidding police departments from requiring that firearms be physically inspected during registration, and will be found unconstitutional unless the original ruling is overturned. Infringing on the rights of some, rather than all, is not a legal recourse and does not make the requirement for physical inspection less unconstitutional. The case ruling must be adhered to by the State unless successfully appealed and decided in favor of the State.

LATE

HB-2075

Submitted on: 2/7/2022 8:02:57 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Carol D. Yokoyama	Individual	Oppose	No

Comments:

Aloha,

Please strongly oppose HB2075.

Reimplementing firearms inspections and in-person registration have already been ruled unconstitutional in a federal court. HB2075 does not serve public interest and has no affect on criminal use of firearms.

Mahalo for your time.

LATE

HB-2075

Submitted on: 2/8/2022 2:26:24 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Roger C. Stone	Individual	Oppose	No

Comments:

A totally rediculas requirement to increase the pain inflicted on personnel owning firearms.

LATE

HB-2075

Submitted on: 2/8/2022 8:32:04 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ryan Willis	Individual	Oppose	No

Comments:

Contents of bill already ruled unconstitutional in federal court.

LATE

HB-2075

Submitted on: 2/8/2022 8:32:31 AM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kanoe Willis	Individual	Oppose	No

Comments:

Contents of bill already ruled unconstitutional in federal court.

LATE

HB-2075

Submitted on: 2/8/2022 1:33:12 PM

Testimony for JHA on 2/8/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Edward Bali	Individual	Oppose	No

Comments:

Aloha, I'am writing my testimony in OPPOSITION of this proposed bill. It has been deemed unconstitutional in federal court and will tie up precious time, funding and state personel on much more important tasks. Also it will cause a loss in tax revenue and income due to lost time from work do to in person registration. And the truth is this only affects moral citizens, while criminals avoid written/ moral laws in our society and commit their crimes mainly through ambush, intimidation with the use of blunt and edged weapons way more than firearms. You must please allow us vast majority of moral and lawful citizens and state workers to continue to safely and efficiently register our firearms in this current efficient manner. Mahalo for taking the time to read and take into consideration my testimony.