

ON THE FOLLOWING MEASURE: S.B. NO. 1230, S.D. 2, RELATING TO FIREARMS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE:	Tuesday, March 21, 2023	TIME: 2:00 p.m.
LOCATION:	State Capitol, Room 325	
TESTIFIER(S	5): Anne E. Lopez, Attorney General, or Dave Day, Special Assistant to the Attorney General	

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) <u>strongly supports</u> this bill. Gun violence represents an urgent public-health and public-safety issue, and Senate Bill No. 1230, S.D. 2, would play an important role in clarifying, revising, and updating Hawaii's firearms laws—addressing the serious hazards to public health, safety, and welfare posed by firearms and gun violence while respecting individual rights.

For 170 years—since 1852—Hawai'i has protected public health and safety by carefully limiting who may carry guns in public. For decades, a system of discretionary licensing was used: the police departments would evaluate an applicant and decide whether there was a good reason why that person needed to carry a concealed firearm in public. This policy was preserved and supported across many different administrations and legislative sessions, and it played an important role in helping to reduce the risks of gun violence in our communities. Largely due to Hawaii's system of discretionary licenses, concealed weapons were not commonly carried in public in Hawai'i. Accordingly, there was not as great a need for some of the types of firearms laws that exist in many other states—for example, laws prohibiting carrying firearms in "sensitive places" like schools, playgrounds, and government buildings, or laws prohibiting carrying a firearm in public while intoxicated.

In its June 2022 decision in *New York State Rifle and Pistol Association v. Bruen*, 142 S. Ct. 2111 (2022), the United States Supreme Court held that discretionary

Testimony of the Department of the Attorney General Thirty-Second Legislature, 2023 Page 2 of 4

licensing systems for carrying guns in public cannot be used going forward. The Supreme Court also stated that the Second Amendment requires that state law must provide clear and objective criteria for when licenses to carry firearms in public will be granted. Moreover, after *Bruen*, the Second Amendment requires that if an applicant meets the statutory criteria that have been established by the state legislature, then a license to carry a concealed weapon in public "shall" be granted.

The Supreme Court's *Bruen* decision represents a very significant and disruptive change for our State. In the wake of *Bruen*, many more people are applying for licenses to carry a firearm. Under *Bruen*, those licenses shall be granted unless there is an objective statutory basis requiring denial. This will result in a significant increase in the presence of firearms in public, with more individuals carrying concealed weapons in Hawai'i than ever before in our State's history. This presents serious challenges for public health and safety. This bill is an effort to address these challenges in the post-*Bruen* legal landscape.

Even after the Supreme Court's decision in *Bruen*, there are still a number of important tools available to address the serious and increasing risks posed by firearms and gun violence. States have the authority to enact "a 'variety' of gun regulations," *Bruen*, 142 S. Ct. at 2162 (Kavanaugh, J., concurring), such as prohibiting the carrying of firearms in sensitive locations and adopting laws to ensure that those who carry firearms are "law-abiding, responsible citizens." *Id.* at 2133, 2138.

This bill would, among other things, amend chapter 134, part I, Hawaii Revised Statutes (HRS), to: (1) establish an offense of carrying a firearm in certain "sensitive" locations or on the private property of another person without authorization; (2) require the Attorney General to publish an annual report on licenses to carry firearms; (3) prohibit issuing authorities from issuing permits, under section 134-2, HRS, to a person who is found to be lacking the essential character or temperament necessary to be entrusted with a firearm; (4) require issuing authorities to consider certain factors related to the risk of misuse by an applicant when issuing permits under section 134-2, HRS; (5) define the term "enclosed container" in section 134-1, HRS; (6) set forth requirements, qualifications, and procedures for an applicant seeking a license to carry

Testimony of the Department of the Attorney General Thirty-Second Legislature, 2023 Page 3 of 4

a pistol or revolver; (7) require a license issued under part I of chapter 134, to be revoked under certain circumstances; (8) require firearms to be kept in a locked container and placed out of plain view when left in an unattended vehicle; (9) establish a duty to maintain possession of a license while carrying a firearm; (10) require that when a person carrying a firearm is stopped by a law enforcement officer or is a driver or passenger in a vehicle stopped by a law enforcement officer, the person shall immediately disclose to the law enforcement officer that the person is carrying a firearm and, upon request, identify the specific location of the firearm and present to the law enforcement officer a license or credentials to carry a firearm; (11) amend the definition of "crime of violence" in section 134-1, HRS; (12) require a person carrying a firearm in public pursuant to a license to maintain insurance coverage; (13) provide qualified immunity to physician assistants and advanced practice registered nurses who provide information on permit or license applicants; and (14) clarify and amend section 846-2.7, HRS, to provide that county police departments may conduct criminal history record checks for licenses to carry a pistol or revolver and ammunition.

* * *

With respect to the scope of the prohibition set forth in section 134-A, the Department supports the wording in the current draft that limits the applicability of this section to "a person granted a license to carry a concealed firearm under section 134-9, or in accordance with title 18 United States Code section 926B or 926C[.]" (Page 7, lines 5-7.) The Department notes that an existing place-to-keep statute—section 134-25, HRS—already makes it a class B felony to carry a firearm in public "[e]xcept as provided in sections 134-5 and 134-9[.]" Accordingly, a person licensed to carry a firearm under section 134-9, HRS, who carries a firearm in a sensitive place as defined in section 134-A would be subject to prosecution for a misdemeanor under section 134-A(h), while a person who carries a firearm in a sensitive place *without* first obtaining a license under section 134-9, HRS (unless covered by 134-5, HRS), would be subject to prosecution for a class B felony under section 134-25.

By contrast, a different bill, House Bill No. 984, H.D. 2, would apply the sensitiveplaces prohibition to all persons (*see* House Bill No. 984, H.D. 2, page 3, line 18), but Testimony of the Department of the Attorney General Thirty-Second Legislature, 2023 Page 4 of 4

would then apply an enhanced sentencing provision for persons "not licensed under section 134-9[.]" House Bill No. 984 H.D. 2, page 15, lines 6-11. The Department believes the approach adopted in Senate Bill No. 1230, S.D. 2, discussed above, would be preferable to the approach adopted in House Bill No. 984, H.D. 2, because of the uncertainty that might be created if the unlicensed carrying of a firearm in a sensitive place were simultaneously both a misdemeanor and a class B felony. The approach taken in Senate Bill No.1230—limiting the scope of the misdemeanor offense to licensees—also obviates the need for a separate enhanced sentencing provision. *See* House Bill No. 984, H.D. 2, page 15, lines 6-11.

* * *

As outlined above, the Department <u>strongly supports</u> this bill. Thank you for your consideration of this important measure.



JOSH GREEN, M.D. GOVERNOR | KE KIA'ÄINA

SYLVIA LUKE LIEUTENANT GOVERNOR | KA HOPE KIA'ÄINA

STATE OF HAWAII | KA MOKUʻĀINA 'O HAWAI'I OFFICE OF THE DIRECTOR DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

KA 'OIHANA PILI KĀLEPA 335 MERCHANT STREET, ROOM 310 P.O. BOX 541 HONOLULU, HAWAII 96809 Phone Number: (808) 586-2850 Fax Number: (808) 586-2856 cca.hawaii.gov NADINE Y. ANDO DIRECTOR | KA LUNA HO'OKELE

DEAN I. HAZAMA DEPUTY DIRECTOR | KA HOPE LUNA HO'OKELE

Testimony of the Department of Commerce and Consumer Affairs

Before the House Committee on Judiciary and Hawaiian Affairs Tuesday, March 21, 2023 2:00 p.m. State Capitol, Conference Room 325 and via Videoconference

> On the following measure: S.B. 1230 S.D. 2, RELATING TO FIREARMS

Chair Tarnas and Members of the Committee:

My name is Gordon Ito, and I am the Insurance Commissioner for the Department of Commerce and Consumer Affairs' (Department) Insurance Division. The Department offers comments on this bill.

The purpose of this bill is to prohibit issuing authorities from issuing permits to acquire the ownership of a firearm to any person where the issuance would not be in the interest of the public health, safety, or welfare because the person is found to be lacking the essential character or temperament necessary to be entrusted with a firearm; require issuing authorities to consider the risks associated with firearms in the home and consider the likelihood an applicant would bring the firearm outside of the home to engage in violence or carry unlawfully in public; increase requirements for applicants seeking a license to carry a firearm; set minimum requirements for applications for a license to carry a concealed firearm; establish the crime of carrying a firearm in sensitive locations; define sensitive location; require licenses to carry

Testimony of DCCA S.B. 1230, S.D. 2 Page 2 of 2

concealed firearms be revoked if certain conditions are met; require the Attorney General to publish an annual report on licenses to carry firearms; require firearms be kept in a locked container and out of plain view when in an unattended vehicle; define locked container and makes conforming amendments; amend the definition of "crime of violence" to include additional crimes; requires a person carrying a firearm in public pursuant to a license to maintain insurance coverage; establish a duty to maintain possession of a license while carrying a firearm; establish a duty to disclose that a person is carrying a firearm when stopped by a law enforcement officer; establish an appeals process for the denial or revocation of an application for a permit to acquire the ownership of a firearm or to carry a concealed firearm; allow county police departments to conduct criminal history record checks for licenses to carry a firearm; provide qualified immunity for physician assistants and advanced practice registered nurses who provide information on permit applicants; and establish penalties for violations.

This bill requires the Insurance Commissioner to make a "determination that suitable" insurance policies described in the bill are "commercially available[.]" (See p. 16, lines 16 to 18). "Suitable" and "commercially available" are not defined in this bill. We would respectfully suggest that this language be amended to read: "Effective one year after the insurance commissioner makes a determination that policies with the minimum coverage required by this subsection are available".

Thank you for the opportunity to testify on this bill.



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

KA 'OIHANA HO'OMOHALA PĀ'OIHANA, 'IMI WAIWAI A HO'OMĀKA'IKA'I

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813 Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804 Web site: dbedt.hawaii.gov JOSH GREEN, M.D. GOVERNOR

CHRIS J. SADAYASU

DANE K. WICKER DEPUTY DIRECTOR

Telephone: (808) 586-2355 Fax: (808) 586-2377

Statement of CHRIS J. SADAYASU Director Department of Business, Economic Development, and Tourism before the HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

> Tuesday, March 21, 2023 2:00 PM State Capitol, Conference Room 325

In consideration of SB1230, SD2 RELATING TO FIREARMS.

Chair Tarnas, Vice Chair Takayama, and Members of the Committee.

The Department of Business, Economic Development and Tourism (DBEDT) **supports** SB1230, SD2, which clarifies, revises, and reframes Hawai'i's firearms laws to mitigate the serious hazards to public health, safety, and welfare associated with firearms and gun violence, while respecting and protecting the lawful exercise of individual rights.

The Department supports the intent of this measure which seeks to protect public health, safety, and welfare from the serious hazards associated with firearms and gun violence. The Department is in support of prohibiting the carrying of firearms in sensitive locations and adopting laws and regulations designed to ensure that those who carry firearms are law-abiding, responsible citizens.

Thank you for the opportunity to testify in support of this measure.

TESTIMONY BY:

EDWIN H. SNIFFEN DIRECTOR

Deputy Directors DREANALEE K. KALILI TAMMY L. LEE ROBIN K. SHISHIDO JAMES KUNANE TOKIOKA



STATE OF HAWAII DEPARTMENT OF TRANSPORTATION 869 PUNCHBOWL STREET HONOLULU, HAWAII 96813-5097

March 21, 2023 2:00 P.M. State Capitol, Teleconference

S.B. 1230 SD2 RELATING TO FIREARMS

House Committee on Judiciary & Hawaiian Affairs

The Department of Transportation (DOT) **supports** S.B. 1230 SD2 which prohibits carrying a concealed firearm in a sensitive location.

The Transportation Security Administration (TSA) screens passengers and their baggage at the five major Hawaii Airports. The TSA follows Federal rules and regulations regarding the carrying and/or transport of firearms on aircraft. This bill will provide additional protection against concealed firearms at the airport terminals and surrounding airport property.

Additionally, the bill enhances the DOT's current policy prohibiting its employees from bringing firearms to the workplace.

Thank you for the opportunity to provide testimony.



STATE OF HAWAI'I OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT

JOSH GREEN, M.D. GOVERNOR

> SCOTT J. GLENN DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813 Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

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Statement of SCOTT GLENN, Director

before the HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Tuesday, March 21, 2023, 2:00 PM State Capitol, Conference Room 325

in consideration of SB1230, SD2 RELATING TO FIREARMS

Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary and Hawaiian Affairs.

The Office of Planning and Sustainable Development (OPSD) **strongly supports** SB 1230, SD2, which prohibits issuance of firearms to any person where the issuance would not be in the interest of public health, safety, or welfare and prohibits the carrying of firearms in sensitive places and other provisions to protect the safety of the public.

OPSD **strongly supports** this measure as a way to keep the public and state employees safe in public spaces and public work places.

Members of the public and public servants want to reduce the chance of active shooter events in public spaces and places of work. Active shooter training cannot guarantee safety when persons intent on killing other people are allowed to carry firearms into public buildings and gathering places.

Thank you for the opportunity to testify on this measure.



STATE OF HAWAI'I HAWAI'I STATE PUBLIC LIBRARY SYSTEM 'OIHANA HALE WAIHONA PUKE AUPUNI O KA MOKU'ĀINA O HAWAI'I OFFICE OF THE STATE LIBRARIAN 44 MERCHANT STREET HONOLULU, HAWAII 96813

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS Tuesday, March 21, 2023 Conference Room 325 2:00 PM

By Stacey A. Aldrich State Librarian

S.B. 1230 SD2 RELATING TO FIREARMS

To: Rep. David A. Tarnas, Chair Rep. Gregg Takayama, Vice Chair Members of the House Committee on Judiciary & Hawaiian Affairs

The Hawaii State Public Library System (HSPLS) **supports** S.B. 1230 SD2 which clarifies, revises and reframes Hawaii's firearms laws to mitigate serious hazards to public health, safety and welfare associated with firearms and gun violence. Specifically, this measure outlines, defines and identifies State requirements for the carrying of firearms in sensitive locations, including libraries.

The HSPLS respectfully requests that the reference to libraries in paragraph (i)(6), as a sensitive location, be clarified to include all HSPLS facilities and adjacent grounds and parking areas. Currently, not all spaces used, operated and managed by HSPLS would be included in the term "library" as set forth in (i)(6). An example includes our logistical delivery hub on Oahu, which operates out of a separate building, away from the other libraries.

Thank you for the opportunity to provide comments on S.B.1230 SD2.

POLICE DEPARTMENT

CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813 TELEPHONE: (808) 529-3111 · INTERNET: www.honolulupd.org

RICK BLANGIARDI: Mayor



ARTHUR J_ LOGAN CHIEF

KEITH K. HORIKAWA RADE K.VANIC DEPUTY CHIEFS

OUR REFERENCE EY-DNK

March 21, 2023

The Honorable David A. Tarnas, Chair and Members Committee on Judiciary and Hawaiian Affairs House of Representatives 415 South Beretania Street, Room 325 Honolulu, Hawaii 96813

Dear Chair Tarnas and Members:

SUBJECT: Senate Bill No. 1230, S.D. 2, Relating to Firearms

I am Eric Yosemori, Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD appreciates the intent of Senate Bill No. 1230, S.D. 2, Relating to Firearms, and submits the following comments and concerns.

This bill proposes to prohibit a person with a license to carry a concealed firearm under Section 134-9 of the Hawaii Revised Statutes (HRS) or in accordance with Title 18 United States Code Section 926B or 926C from a list of sensitive places and private property of another person. We suggest that these sections be revised from "concealed firearm" to "firearm," which would apply to both concealed and unconcealed firearms.

We also suggest removing the prohibition on those covered under Title 18 United States Code Section 926B or 926C, as these are government law enforcement officers and retired law enforcement officers. The Law Enforcement Officers Safety Act (LEOSA) should be excluded from this section as they are current, former, or retired law enforcement officers who have passed a firearms program with strict minimum regulations.

This bill, as written, is too broad and would be difficult to enforce. It proposes to prohibit firearms on private property of another person without authorization. The concern is with places with multiple businesses, such as a shopping center, which an individual business may allow firearms on their premises.

The Honorable David A. Tarnas, Chair and Members March 21, 2023 Page 2

The opposite situation may also cause confusion in which the land owner or manager allows firearms on their premises with the required signage, but individual businesses within that property may not allow firearms in their business.

On page 11, a sensitive location is clarified as including the adjacent areas and parking areas. The Honolulu County is very densely populated in certain locations. Sensitive areas and the adjacent areas should be more clearly defined to enable this section to be enforceable.

Another concern is the section on page 10, which states that persons violating subsection (a) would be found guilty of a misdemeanor, subject to revocation of their license to carry, and disqualified from renewing their license. We recommend further clarification to be made regarding the length of time that the person would become eligible to reapply and be eligible to have a license to carry a firearm.

The HPD repeats its concern about the request for the applicant to provide four references. We believe that these references would be overly biased and subjective in favor of the applicant. One to four references would not outweigh a decision to deny an applicant a license to carry for disqualifying reasons. The objectivity of a person's mental health and criminal background check provide specific and articulable indicia whether or not a person is suitable to carry a firearm in public. The references would not aid in the decision of approving or denying an application.

Additionally, the HPD repeats its concerns that in-person interviews would cause significant delays in the application process. Currently, the applicant provides and declares to all required information that is used to conduct a thorough background check by completing an application and all the required forms. An in-person interview would not provide any additional specific and clear indicia whether or not a person is suitable to carry a firearm in public.

The list of sensitive places in this bill includes government buildings and yet firearms are lawfully allowed in a person's own home. This would conflict in a situation regarding government assisted living situations, and clarification or an exception should be provided.

The list of sensitive places also names public transportation. The HPD suggests that rideshare programs be clarified or addressed, such as Uber, Lyft, and taxis, for both the drivers and passengers.

Although there are historical locations listed as sensitive places for this bill, places of worship should also be included as a historically sensitive location.

The HPD recommends that the proposed HRS Section 134-D, Duty to maintain possession of license while carrying a firearm; duty to disclose; penalty, also require a

The Honorable David A. Tarnas, Chair and Members March 21, 2023 Page 3

government identification to be presented along with the license to carry card as indicated on page 18. Furthermore, it should be noted on each license to carry that the card is not a form of government identification.

Lastly, we suggest that the \$10 licensing fee be changed to an application fee. Currently, all applications are reviewed and processed and only approved applications are charged a licensing fee. Prior to 2022, the HPD received a mere 10 to 20 license to carry applications a year. Since the Supreme Court of the United States ruling for *New York State Rifle and Pistol Association v. Bruen*, the HPD has received approximately 700 applications within the last two months. The fee would be used to offset the administrative costs associated with the processing of application packets. An application fee versus a licensing fee would ensure a fair and equitable collection of the fee regardless if the application was approved or denied.

The HPD appreciates the committee's consideration of our comments and concerns regarding Senate Bill No. 1230, S.D. 2, Relating to Firearms, and thanks you for the opportunity to testify.

Sincerely,

Eric Yosemori, Major Records and Identification Division

APPROVED:

* Arthur J. Logan Chief of Police DEPARTMENT OF TRANSPORTATION SERVICES CITY AND COUNTY OF HONOLULU

711 KAPIOLANI BOULEVARD, SUITE 1600 HONOLULU, HAWAII 96813 Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

RICK BLANGIARDI MAYOR



J. ROGER MORTON DIRECTOR

JON Y. NOUCHI DEPUTY DIRECTOR

TESTIMONY OF J. ROGER MORTON DIRECTOR OF TRANSPORTATION SERVICES

BEFORE THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS Tuesday, March 21, 2023, 2:00 PM, Via Videoconference

- TO: Representative David A. Tarnas, Chair, Representative Gregg Takayama, Vice Chair, and Members of the Committee on Judiciary and Hawaiian Affairs
- RE: TESTIMONY IN SUPPORT OF SENATE BILL 1230, SENATE DRAFT 2, RELATING TO FIREARMS

The Department of Transportation Services (DTS) of the City and County of Honolulu (City) **strongly supports** Senate Bill 1230, Senate Draft 2, relating to firearms.

DTS fully agrees with including in the definition of "sensitive location" in §134-A (i), places, conveyances, or vehicles of public transportation or public transit, as set forth in paragraph (14), and agrees with including facilities used for or in connection with service in the transportation of passengers, as enumerated in paragraph (15).

Thank you for the opportunity to submit this testimony in support.



Office:(808) 961-8272 jennifer.kagiwada@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: March 20, 2023

TO: House Committee on Judiciary and Hawaiian Affairs

- FROM: Jennifer Kagiwada, Council Member Council District 2
- SUBJECT: SB 1230 SD2

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee,

I am writing to you in strong support of SB 1230 SD2.

Since the Supreme Court Case last year decreed that Hawaii must allow people to carry concealed guns, it is VITAL to the safety of Hawaii's residents and visitors to pass SB 1230 which sets clear requirements for:

—who is, and is not, eligible to carry a gun in public

—how our county chiefs of police can assure that permits for concealed carry are approved only after a thorough background and mental health review

-locations where those who get permits to carry guns in public can and cannot carry those guns

Our Hawai'i County Council passed a law in response attempting to accomplish these goals and welcomes a State law that will clarify and create standardization as well as hopefully strengthen firearm safety across the Counties.

Thank you for the opportunity to testify in support of SB 1230.

Mahalo,

A

Jenn Kagiwada



UNIVERSITY OF HAWAI'I SYSTEM 'ÕNAEHANA KULANUI O HAWAI'I

Legislative Testimony Hōʻike Manaʻo I Mua O Ka ʻAhaʻōlelo

> Testimony Presented Before the House Committee on Judiciary & Hawaiian Affairs March 21, 2023 at 2:00 p.m.

By

Michael Bruno, Provost, University of Hawai'i at Mānoa Bonnie Irwin, Chancellor, University of Hawai'i at Hilo Maenette Benham, Chancellor University of Hawai'i at West O'ahu Michael Unebasami, Associate Vice President for Administrative Affairs, Community Colleges Della Teraoka, Interim Associate Vice President for Academic Affairs, Community Colleges

SB 1230 SD2 - RELATING TO FIREARMS

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

Thank you for the opportunity to testify on SB 1230 SD2, which, among other things, prohibits the carrying or possessing a firearm in certain locations and premises, including any public or private college or university, including but not limited to buildings, classrooms, laboratories, artistic venues, research facilities, athletic fields or venues, and adjacent parking areas. The University of Hawai'i (UH) supports the intent of SB 1230 SD2 and this provision in particular.

In light of the frequency of mass shootings, increasing reports of gunshots, and the availability of guns that heighten the risk for suicide on college campuses across the U.S., the risk and scope of gun violence has taken an enormous toll on students and employees sense of safety of campus.

Thank you for the opportunity to submit testimony on this issue.

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 10:01:38 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Stonewall Caucus of the Democratic Party of Hawaii	Support	Remotely Via Zoom

Comments:

Aloha Representatives,

The Stonewall Caucus of the Democratic Party of Hawai'i; Hawai'i's oldest and largest policy and political LGBTQIA+ focused organization fully supports SB 1230 SD 2.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr. Chair and SCC Representative Stonewall Caucus for the DPH



Testimony in Support of SB 1230 SD2 Before the House Committee on Judiciary and Native Hawaiian Affairs

March 21, 2023

Dear Chair Tarnas, Vice Chair Takayama and Members of the House Committee on Judiciary and Native Hawaiian Affairs,

I am Deb Nehmad, Chapter Lead of Brady Hawaii. I live in Hawaii Kai.

In furtherance of BradyUnited's goal to reduce firearm violence across Hawaii, the Hawaii Chapter of the Brady Campaign to Prevent Gun Violence is proud to support the passage of SB 1230 SD2.

For decades, Hawaii leaders have prioritized the safety and well-being of the people of Hawaii by enacting and implementing proactive, research-informed policy solutions that prevent gun violence, save lives, and spare entire communities from loss, trauma and cycles of violence. However, the latest data from the Centers for Disease Control and Prevention is disturbing:

- Every year, 34 people in Hawaii die by firearm suicide.
- Every year, 15 people in Hawaii are victims of firearm homicide.
- On average, 55 people in Hawaii are killed by gun violence each year and an average of 30 of those deaths occur in Honolulu County.
- Every 7 days, someone in Hawaii is shot and killed.

It's clear that work remains to be done, and in the wake of the Supreme Court's (SCOTUS) decision in *NYSRPA v. Bruen*, which invalidated parts of Hawaii's concealed carry licensing provision, it is imperative that action be taken. The passage of SB 1230 SD2 is a significant step in the right direction to ensure the safety of Hawaii's residents and visitors.

Why This Bill is Needed

As of December 22, 2022, over 600 applications for concealed carry permits had been submitted following the release of the *Bruen* decision in June. As of March 15, 2023, 51 licenses have been issued with no limits in place on where concealed weapons can be carried. We can only expect

thousands more applications statewide. In a State that had not issued any concealed carry permits for decades, this is a jarring number and absent action, those living and visiting Hawaii will be faced with a reality where guns are everywhere.

Research shows that if Hawaii does not act immediately to implement comprehensive and robust provisions to enhance its concealed carry permitting system, its citizens will face higher risks of homicide, gun theft, and gun violence. A rigorous study of concealed carry laws found that in states with weak concealed carry laws, violent crime rates rose 13% to 15% after ten years. A recent study conducted by the Center for Gun Violence Solutions analyzed the impact of weakened conceal carry permitting systems on violent crimes. The study found that states that loosened their concealed carry permitting systems (and failed to enact the very licensing requirements that Hawaii seeks to introduce in SB1230 SD2) saw a 9.5% increase in firearm related assaults over a decade. In the interest of protecting its citizens, passage of SB1230 SD2 will ensure the entire State has a standardized and robust concealed carry permitting system.

The Supreme Court in *Bruen* leaves it up to State and local legislatures to restrict the use of firearms in certain "sensitive places," including schools and government buildings. SB1230 SD2 is consistent with SCOTUS case law. Passage of the bill will continue to make Hawaii one of the safest states in the country by ensuring that the State enhances and standardizes its concealed carry licensing requirements and broadens its sensitive place restrictions.

What The Bill Does

SB1230 SD2 ensures that those who are carrying firearms in public have proper licensing, adequate training, and are not at risk of harming themselves or others. It maintains Hawaii's requirement for comprehensive background checks for applicants for concealed carry licenses. Under this bill, an applicant could not qualify for a license to carry a firearm if they have any history of threats or acts of violence by the applicant directed toward themselves or others. Further, the bill prohibits the issuing authority from issuing a license where the issuance would not be in the interest of public health, safety, or welfare because the person is found to be lacking the essential character or temperament necessary to be entrusted with a firearm and establishes objective criteria for making that assessment. Additionally, the bill introduces a training requirement that involves live-fire instruction and demonstration of safe handling of, and shooting proficiency with, each firearm the applicant is applying to be licensed to carry.

SB1230 SD2 further outlines "sensitive places" where firearms cannot be carried, including childcare facilities and other places frequented by children, city-owned buildings or offices, all forms of public transportation (except as provided for by State or federal law), voter service centers, and first amendment expressive spaces, like rallies and marches. Within this legislation, each sensitive place has been evaluated in terms of their individual characteristics. The nature of the activities taking place in each of these locations as well as the presence of certain vulnerable populations warrant each location's classification as a sensitive place. It would be illogical to deem a swath of locations "not sensitive," simply because the list seems too long. These are all

areas where restricting the concealed carry of firearms only serves to benefit the health and safety of those living in and visiting Hawaii.

These essential safety measures – improvement to the concealed carry permitting system and the creation of sensitive place restrictions – pass constitutional muster. The Supreme Court in *Bruen* made clear that its holding was "neither a regulatory straitjacket nor a regulatory blank check," and that restrictions on guns in sensitive places are still permissible, so long as they are objective.

Finally, while BradyUnited strongly believes passage of SB 1230 SD2 is vital to ensure the safety of Hawaii's residents and visitors, there are several provisions in HB984 HD 2 which, if incorporated during conference deliberations, would clarify and in some cases enhance the protections provided in SB1230 SD2.

Conclusion

The provisions of SB1230 SD2 are consistent with *Bruen* and pass constitutional muster. Considering the SCOTUS decision, immediate action must be taken in Hawaii to enhance the concealed carry licensing system. By implementing comprehensive provisions that will prevent reckless and dangerous people from carrying concealed firearms and designating safe spaces where concealed carry will not be allowed, Hawaii will keep its public spaces safe from the threat of senseless firearm violence. For these reasons, Brady Hawaii strongly encourages the Committee on Judiciary and Hawaiian Affairs to vote YES on SB 1230 SD 2.

Sincerely,

Deb Nehmad President, Brady Hawaii The Brady Campaign to Prevent Gun Violence <u>dnehmad@bradyunited.org</u>

SB-1230-SD-2

Submitted on: 3/20/2023 7:54:49 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jerry Yuen	Pu'uloa Rifle and Pistol Club	Oppose	Remotely Via Zoom

Comments:

I strongly oppose SB 1230 SD2. This bill is unconstitutional and a blatant attempt to rewrite the HRS 134. It contains measures that are subjective, unenforceable, vague, and does nothing to enhance public safety. This bill will have no effect on deterring criminals and may even embolden criminal behavior due to reduced threat of encountering an armed citizen. Parks, bus stops, public transportation, commercial and public buildings are places where crimes happen and individuals will need the means to protect themselves. The police cannot be everywhere to stop criminal acts and usually on scene too late to intervene. This bill will only make good people helpless and will not make bad people harmless.

TESTIMONY

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS SB1230 SD2 RELATING TO FIREARMS

Tuesday, March 21, 2023, :00 pm State Capitol Conference Room 325 and via Videoconference

Submitted in STRONG OPPOSITION by Mrs. Jamie Detwiler, President, Hawaii Federation of Republican Women

Honorable Chair Tarnas, Vice Chair Takayama, and Committee Members

I strongly OPPOSE SB1230 SD2, RELATING TO FIREARMS for the following reasons:

- The U.S. Constitution Second Amendment states, the right of the people to keep and bear Arms, shall not be infringed. Furthermore, the Second and Fourteenth Amendments protect an individual's right to carry a handgun for self-defense outside the home.
- 2. Defines sensitive places. In the 2022 Bruen decision, Supreme Court Justice Clarence Thomas said that there were a handful of places where guns could be constitutionally banned. He called these "sensitive areas" and they include places like courthouses, jails, and similar establishments. These specific places are secured so that virtually no one can bring a gun in because metal detectors are used, not signs on the door. Currently, the term "sensitive area" is being abused by some legislators nationwide to justify additional restrictions.
- 3. Do you have the historical documents related to the drafting of SB1230? The Supreme Court was clear in Bruen (June 2022) that in order for any gun control legislation to pass constitutional muster under the Second Amendment, such legislation must be consistent with historical tradition. The state has had six months since Bruen to identify well-established and representative historical information. There is no historical tradition cited in SB1320.
- SB1230 SD2. SECTION 4. Section 134-2 (d), Hawaii Revised Statutes (p.21, starting on line 10). Recommend an amendment to "(d) The chief of police of the respective counties <u>may</u> issue permits to acquire firearms to citizens, nationals, or lawful permanent residents of the United States <u>in accordance with 18 U.S.C. RCW 9.41.171: Alien</u> <u>possession of firearms requirements-penalty.</u> Please ADD the underscored section as an amendment to SB1230.
- 5. We can all agree that violent crimes involving firearms are tragic. But the dictate of Bruen in clear: "legislative interest balancing is understanding and elsewhere, appropriate. However, it is not deference that the Constitution demands here. While the authors of this bill may disagree with Bruen, it may not disobey it.

6. There are countless stories verified by law enforcement records where criminals intending to kill innocent citizens in shopping malls, restaurants, and other heavily populated areas were stopped by a trained law-abiding conceal-carrying citizen. On February 1, 2023, a very tragic incident took place in Mililani, where my family and I have resided for 35 years. A married mother of 4 children including her 6-month-old infant who was with her when she was run down by a crazed man using his vehicle as a weapon and then beaten by the same man. An innocent bystander providing first aid to the critically injured woman was also beaten by the perpetrator. If a trained law abiding citizen who was licensed to conceal carry were there, the outcome would have been much different with minimal critical injuries.

Once again, I strongly OPPOSE SB1230. Please vote NO.

Thank you for the opportunity to testify.

SB-1230-SD-2

Submitted on: 3/20/2023 10:48:59 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
'Ilima DeCosta	Hale Ola Spa & Apothecary	Support	Remotely Via Zoom

Comments:

Mahalo to all of those who have worked hard to achieve a hearing for SB 1230, SD2 - Relating to Firearms.

Special mahalo to Chair Tarnas and Vice Chair Takayama, and their respective staff, for their tireless work championing the efforts aimed at reducing gun violence and their kokua at the recent advocacy day rally/press conference. Maika'i no makou!

I am a local business owner and a parent to a young adult who died by domestic related gun violence.

Like so many survivors of violent crime, I continue to struggle to perform my daily tasks and often find myself overwhelmed with personal and professional obligations.

As a mother who lost her only daughter to gun violence, I am committed to helping to reduce the instances that other lives will needlessly be cut short.

As a mother who doesn't want to see other parents and families suffer due to preventable gun violence, I urge the Legislature to take seriously their solemn oath to ensure the public's health, safety and welare.

I urge each individual member of the legislature to rigorously perform their duties in protecting the health, public safety and welfare, by exercising extreme due diligence in protecting "sensitive locations".

I do not want to see other families experience what I and my family have experienced.

The loss of a child is horrific, the road to recovery is often non-linear and fraught with pitfalls.

My daughter, Elizabeth, left behind a four-year-old son, Ikaika, who will never get to know how special his mother truly was as an advocate to vulnerable individuals.

Death by gun violence is preventable.

Yet, according to the CDC, death by gun violence is the leading cause of death for Hawai'i's youth, ages 1-17, and Americans are under age 30 are 2.2 times more likely to be shot by a firearm.

These statitistics are not acceptable, to me, and should not be acceptable to you.

In addition to regulating "sensitive locations", I support SB 1230, HD2 and any efforts to enforce mandatory liability insurance coverage – just like automobile insurance - that would hold owners of firearms accountable if/when their firearm is not safely stored and are later involved in any crime, including suicide.

Further, I support legislation that closes any/all legal loopholes for stalkers, domestic abusers, and those who wish to silence individuals engaged in freedom of expression.

To this end, I appreciate the considerable efforts of the Committee to remove any language that would expose individuals engaged in freedom of expression events to harassment/intimidation by those who would wish to silence free expression of speech.

I will certainly feel safer to express my views if those in the crowd (who are not law enforcement) are not carrying concealed firearms while attending these types of events.

Mahalo for the opportunity to testify in strong support of SB 1230, HD2.







Dear Chair Tarnas, Vice Chair Takayama and Members of the Committee:

On behalf of Everytown for Gun Safety, and Hawai'i Chapters of Moms Demand Action and Students Demand Action, we're writing in strong support of SB 1230. SB 1230 will strengthen Hawai'i's concealed carry license system in a number of key ways in response to the U.S. Supreme Court's <u>New</u> <u>York State Rifle and Pistol Association v. Bruen</u> decision. It will ensure that licenses to carry a loaded gun in public are not granted to people who are determined to be a danger to self or others based on a thorough background check and will prohibit guns from sensitive areas where they don't belong. It will also improve training requirements for concealed carry to ensure license-holders can properly handle, store, and transport a firearm, and know where guns are not allowed.

We suggest some small technical changes to make the bill even stronger and are including a redline version of the bill in this submission:

- **134-A Sensitive locations definition (13):** We recommend removing the "buffer zone" of 1000 feet around public gatherings and events, while retaining the inclusion of adjacent sidewalks and streets as a sensitive location.
- **134-B:** We recommend a small adjustment to account for the fact that racial demographic information may not be available to the AG for reporting.
- Section 134-1: We recommend removing certain citations to specific offenses in the new definition for "crime of violence" that was amended into this bill. We encourage the committee to consider this section carefully, in light of the fact that the expanded "crime of violence" definition in HRS 134-1 impacts the scope of possession prohibitors due to the use of the term "crime of violence" in HRS 134-7. (Please note that we do, however, recommend retaining the citations to specific offenses as disqualifiers for *licenses to carry a firearm in public* in HRS 134-9.)
- Section 134-2(e): We recommend including a stage of appeal that includes court review rather than the chief of police (who is, presumably, the decisionmaker on the decision being challenged).
- Section 134-7(b): We recommend removing the "sale or distribution of any drug" from the list of offenses which become firearm possession prohibitors.
- Section 134-13(b): We made a small edit to the language about permit revocation procedures to correct an ambiguity about the status of the permit during the period of time while a person may appeal the revocation decision.
- Section 134-A(7) and (19): We support the Hawai'i State Coalition Against Domestic Violence's suggested amendment submitted in their written testimony to prohibit guns in any programmatic facilities that serve domestic violence victims, in addition to DV shelters and residential facilities.
- Finally, it appears the effective date in Section 16 may still require updating.

Thank you for advancing this bill, and we urge your support.

Sincerely,

Krystal LoPilato Policy Counsel Everytown for Gun Safety, Moms Demand Action & Students Demand Action 450 Lexington Ave. New York, NY 10163 ssumadi@everytown.org

THE SENATE THIRTY-SECOND LEGISLATURE, 2023 STATE OF HAWAII

S.B. NO. 1230 S.D. 2

A BILL FOR AN ACT

RELATING TO FIREARMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION I. The legislature finds that, pursuant to article IX, sections 1 and 10, of the Constitution of the State of Hawai'i, the State is obligated to protect the health and safety of the public. There are compelling interests in protecting public health, safety, and welfare from the serious hazards associated with firearms and gun violence. Although the United States Supreme Court has held that the Second Amendment provides for an individual right to keep and bear arms for lawful purposes, the Second Amendment is not a regulatory straightjacket. States retain authority to enact a variety of gun regulations, such as prohibiting the carrying of firearms in sensitive locations and adopting laws and regulations designed to ensure that those who carry firearms are law—abiding, responsible citizens.

The legislature further finds that Hawai'i's firearms laws are an important reason that Hawai'i leads the nation in preventing incidents of gun violence. Nationwide, more than thirty thousand gun violence-related deaths occur per year. In Hawai'i, there are fewer than fifty gun

violence-related deaths per year, and these deaths occur at a rate of fewer than five gun deaths for every one hundred thousand people. Hawai'i has cumulatively ranked number one as the state with the lowest number of deaths, and lowest rate of deaths, from gun violence. According to annual statistics from the Centers for Disease Control and Prevention, Hawai'i had the lowest number of deaths and lowest death rate attributed to gun violence in 2020. In 2019, Hawai'i had the second lowest number of deaths and the fourth lowest death rate. In 2018, Hawai'i had the second fewest deaths and third lowest death rate; in 2017, the fewest deaths and lowest death rate; in 2016, the second fewest deaths and fourth lowest death rate; in 2015, the second fewest deaths and second lowest death rate; and in 2014, the second fewest deaths and lowest death rate.

The legislature recognizes that, in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022), the United States Supreme Court held that the public carrying of firearms "could be prohibited consistent with the Second Amendment" in "sensitive places". Many states and federal agencies have historically enacted location-based restrictions on the carrying of firearms in or on such places as school grounds, legislative buildings, polling places, courthouses, places of worship, college and university campuses, bars and restaurants that serve alcohol, and other spaces for public or social gathering. The legislature observes that restrictions on public carrying of firearms in Hawai'i have existed for many years. For example, a law enacted on May 25, 1852, "An Act to Prevent the Carrying of Deadly Weapons" (1852 Haw. Sess. Laws 19), declared that "the habit of carrying deadly weapons is dangerous to life and the public peace".

Accordingly, this Act, grounded in the State's historical restrictions and principles, restricts firearms from areas in which public health and safety demand protection. These areas include any private property or business in which firearms are not usually allowed (and usually not expected), unless the property owner has the authority and expressly consents to an individual's carry of a firearm.

The legislature notes that this Act's location-based restrictions do not negate or diminish other laws regulating firearms, including laws that prohibit the possession of a firearm without a permit to acquire a firearm, laws that prohibit carrying a firearm without a license to carry, and laws that require firearm registration.

The legislature further finds that data support location-based restrictions on the carrying of firearms. When other cities and states changed their laws to allow the concealed carrying of firearms, or loosened restrictions on the carrying of firearms, there was a corresponding increase in crimes involving firearms. Michael Siegel and other researchers from the Boston University School of Public Health compared homicide rates over a twenty-five-year period, from 1991 to 2015. Their findings, published in 2017 in the American Journal of Public Health as *Easiness of Legal access to Concealed Firearm Permits and Homicide Rates in the United States* (107:12, 1923-29, DOI: https://doi.org/10.2105/AJPH.2017.304057), concluded that "shall-issue" laws, which require concealed carry permits to be issued if the permit criteria are met, are associated with significantly higher rates of total, firearm-related, and handgun-related homicide: 6.5 per cent higher total homicide rates, 8.6 per cent higher firearm-related homicide rates, and 10.6 per cent higher handgun-specific homicide rates, when compared with states having "may-issue" laws, which grant authorities discretion on whether to issue carrying permits. Similarly, Emma

Fridel, a Florida State University College of Criminology and Criminal Justice professor, examined the impact of household gun ownership and concealed carry legislation on firearm-related homicides and mass shootings in the United States from 1991 to 2016. The professor, whose findings were published in 2021 in Justice Quarterly as *Comparing the Impact of Household Gun Ownership and Concealed Carry Legislation on the Frequency of Mass Shootings and Firearms Homicide* (38:5, 892-915, DOI:

httdoi.org/10.1080/07418825.2020.1789693), found that states with "shall-issue" laws and states that do not require a permit to carry a firearm have overall firearm homicide rates that are 10.8 per cent higher than states with "may-issue" laws. A team of researchers lead by John Donohue found that "shall-issue" laws were associated with increased rates of violence in forty-seven major United States cities, including a twenty-nine per cent overall increase in firearm violent crimes, a thirty-two per cent increase in firearm-related robberies, and a thirty-five per cent increase in gun thefts. The team, in *More Guns, More Unintended Consequences: The Effects of Right-to-Carry on Criminal Behavior and Policing in US Cities*, a June 2022 working paper published by the National Bureau of Economic Research (available at:

https://www.nber.org/papers/w30190), concluded: "Any crime-inhibiting benefits from increased gun carrying are swamped by the crime-stimulating impacts". Still other researchers, led by Mitchell L. Doucette, also found an association of "shall-issue" laws with increased violence. Their manuscript, entitled *Impact of Changes to Concealed Carry Weapons Laws on Fatal and Nonfatal Violent Crime*, 1980-2019 (kwac160,DOI:

https:doi.org/10.1093/aje/kwac160), and published in 2022 by the American Journal of Epidemiology, concluded that those laws led to a 9.5 per cent increase in the rate of firearm assaults.

Accordingly, the purpose of this Act is to clarify, revise, and reframe Hawai'i's firearms laws to mitigate the serious hazards to public health, safety, and welfare associated with firearms and gun violence, while respecting and protecting the lawful exercise of individual rights.

SECTION 2. Chapter 134, Hawaii Revised Statutes, is amended by adding five new sections to be appropriately designated and to read as follows:

"<u>§134-A</u> Prohibition against carrying a firearm in a sensitive location; prohibition against carrying a firearm on the private property of another person without authorization; penalty. (a) Subject to the exceptions stated in subsections (b) through (e), a person granted a license to carry a concealed firearm under section 134-9, or in accordance with title 18 United States Code section 926B or 926C, shall not intentionally, knowingly, or recklessly carry a firearm:

(1) In a sensitive location; or

(2) On the private property of another person without authorization.

- (b) Subsection (a) shall not apply to the following individuals:
- (1) Persons exempted from section 134-9 under section 134-11; and

(2) Detectives, private detectives, investigators, or guards as defined in section 463-1; provided that the detective, private detective, investigator, or guard is expressly authorized by the county chief of police to carry a firearm in a particular sensitive location while on duty in that sensitive location or is expressly authorized to carry or possess a weapon in a location defined in subsection (i) by the owner, lessee, operator, or manager of that location or premise and is acting within that person's scope of employment.

(c) Notwithstanding subsection (a), a person carrying a firearm pursuant to a license issued under section 134-9, or in accordance with title 18 United States Code section 926B or 926C, may:

(1) Transport a concealed firearm within the person's vehicle or in a location specified in paragraphs (14) or (15) of the definition of "sensitive location" in subsection (i); provided that the firearm is unloaded and in a locked container;

(2) Transport a concealed firearm within a vehicle into or out of a parking area in a location covered under subsection (a); provided that the firearm is secured in a locked container; and

(3) Transport a concealed firearm in the immediate area surrounding their vehicle within a prohibited parking lot area only for the purpose of storing or retrieving a firearm within a locked container in the vehicle's trunk or other place inside the vehicle that is out of plain view.

(d) Except in the locations specified in paragraphs (1) and (2) of the definition of "sensitive location" in subsection (i), a person shall not be in violation of this section while traveling along a public right-of-way that touches or crosses any of the locations identified in subsection (i) if the concealed firearm is carried on their person or is being transported in a vehicle by the licensee in accordance with all other applicable laws; provided that nothing in this exception shall allow a licensee to loiter or remain in such sensitive location longer than necessary to complete their travel.

(e) This section shall not apply to a licensee who must walk through a public gathering or special event in order to access their residence, place of business, or vehicle while the licensee is in the act of walking through the gathering or event to access their residence, place of business, or vehicle; provided that nothing in this exception shall allow a licensee to loiter or remain in a place identified in this subsection longer than necessary to complete their travel.

(f) The applicability of the exceptions stated in subsections (b) through (e) shall constitute defenses on which a defendant bears an initial burden of production.

(g) Nothing in this section shall prohibit the carrying of a firearm where it is otherwise expressly authorized by state law.

(h) Any person violating subsection (a) shall be guilty of a misdemeanor, and shall also be subject to revocation of their license to carry a firearm under section 134-13, and disqualified from renewing their license to carry a firearm under section 134-9.

(i) For the purposes of this section:

"Private property of another person without authorization" means residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased, unless:

(1) The owner, lessee, operator, or manager of the property has provided express authorization to carry a firearm on the property or premises to the person carrying a concealed firearm pursuant to a license issued under section 134-9 or in accordance with title 18, United State Code section 926B or 926C;

(2) The owner, lessee, operator, or manager of the property clearly and conspicuously posts a sign at the entrance of the building or on the premises indicating that carrying firearms is authorized on that property or premises; or

(3) The person carrying a concealed firearm pursuant to a license issued under section 134-9 or in accordance with title 18, United States Code section 926B or 926C is an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property.

"Sensitive location" means the following, including adjacent areas and parking areas:

(1) A school as defined in section 302A-901 and any school bus;

(2) A public or private college or university, including but not limited to buildings, classrooms, laboratories, artistic venues, research facilities, athletic fields or venues;

(3) A child care facility as defined in section 346-151;

(4) <u>A nursery school, preschool, day care center, or summer camp;</u>

(5) A public park or recreational ground as defined in section 708-814.5, but not including an authorized target range or shooting complex;

(6) A playground, library, museum, carnival, aquarium, zoo, or recreation center;

(7) A shelter or residential facility operated by a government entity or a charitable organization serving children or adults, including but not limited to unhoused children or adults and children involved in the juvenile justice system;

(8) A bar, restaurant, or establishment issued a license for on-premise consumption of liquor pursuant to sections 281-31 and 281-32.5;

(9) A building or office owned, leased, or used by the State or a county, including but not limited to any portion of a building or office used for legislative business, contested case hearings, agency rulemaking, or other activities of state or county government;

(10) A courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions;

(11) A voter service center, place of deposit, or appurtenance to a voter service center or place of deposit, including any area designated for voters waiting to vote, routes of access, and any other areas specified in section 11-132 and any area within a two hundred foot radius from the perimeter of those locations as follows:

- (A) As applied to voter service centers and their appurtenances, all operating hours, as set forth in section 11-109; and
- (B) As applied to places of deposit and their appurtenances, all times at which the place of deposit is accessible to the public;

(12) A vote counting center or a place where ballots are stored;

(13) A public gathering, public assembly, or special event conducted on property open to the public, including but not limited to a demonstration, march, rally, vigil, protest, or picketing event, that requires the issuance of a permit from a federal, state, or local government and the sidewalk or street immediately adjacent to the public gathering or special event and within one thousand feet from the event or gathering; provided that there are signs clearly and conspicuously posted at visible places along the perimeter of the event;

(14) <u>A place, conveyance, or vehicle used for public transportation or public transit, including but not limited to:</u>

- (A) Buses and paratransit vans;
- (B) Train cars;
- (C) Ferries;
- (D) Railroad; and
- (E) Marine or aviation transportation;

(15) A facility used for or in connection with service in the transportation of passengers, including but not limited to:

- (A) Airports;
- (B) Bus shelters and terminals;
- (C) Train stations;
- (D) Rail stations; and
- (E) Harbors;

(16) <u>A stadium, arena, theater, performance venue, or amusement park, or any place at which a professional, collegiate, high school, amateur, or student sporting event is being held;</u>

(17) A public or private hospital or hospital affiliate, mental health facility, nursing home, clinic, medical office, urgent care facility, or other place at which medical services are customarily provided; and

(18) <u>A financial institution as defined in section 211D-1.</u>

§134-B <u>Annual report on licenses to carry.</u> (a) By April 1, 2024, and each year thereafter, the attorney general shall publish a report on its publicly available website detailing:

(1) The number of licenses to carry applied for, issued, revoked, and denied, and further categorized by the age, sex, race, and county of residence of the applicant or license holder;

(2) The specific reasons for each revocation and denial;

(3) Analysis of denials under section 134-9(b)(2) and recommendations to remedy any disparities in denial rates by age, sex, or race;

(4) The number of appeals and appeals granted; and

(5) The number of violations of sensitive location restrictions.

(b) The chief of police of each county shall supply the attorney general with the data the attorney general requires to complete the report under subsection (a) for the prior year by February 1 of each year.

§134-C Mandatory insurance coverage. (a) Effective one year after the insurance commissioner makes a formal determination that suitable policies are commercially available, all persons applying for a new or renewed license to carry a firearm under section 134-9 shall maintain insurance coverage insuring against loss resulting from liability imposed by law for bodily injury, death, or property damage sustained by any person arising out of the ownership, maintenance, operation, storage, or use of a firearm carried in public. Liability coverage shall be not less than \$100,000 per person, with an aggregate limit of not less than \$300,000 per occurrence.

(b) Proof of insurance as required pursuant to subsection (a) shall, upon request, be produced by the person carrying a firearm in public within a reasonable amount of time following any injury, death, or property damage alleged to have been caused by the person carrying the firearm in public. This requirement shall be satisfied by delivering a full and complete copy of the applicable policy or policies of insurance that meet the standards established by subsection (a) and that were in force at the time of the injury, death, or property damage. Disclosure of policy information under this subsection shall not constitute an admission that the alleged injury, death, or property damage is subject to the policy.

§134-D Duty to maintain possession of license while carrying a firearm; duty to disclose; penalty. (a) A person carrying a firearm pursuant to a license issued under section

134-9, or in accordance with title 18 United States Code section 926B or 926C, shall have in the person's immediate possession:

(1) The license issued under section 134-9 or credentials as required under title 18 United States Code section 926B or 926C; and

(2) Documentary evidence that the firearm being carried is registered under this chapter, and shall, upon request from a law enforcement officer, present the license or credentials and evidence of registration.

(b) When a person carrying a firearm, including but not limited to a person carrying a firearm pursuant to a license issued under section 134-9 or in accordance with title 18 United States Code section 926B or 926C, is stopped by a law enforcement officer or is a driver or passenger in a vehicle stopped by a law enforcement officer, the person carrying a firearm shall immediately disclose to the law enforcement officer that the person is carrying a firearm, and shall, upon request:

(1) Identify the specific location of the firearm; and

(2) Present to the law enforcement officer a license to carry a firearm issued under section 134-9 or credentials as required under title 18 United States Code section 926B or 926C.

(c) Any person who intentionally, knowingly, or recklessly violates this section shall be guilty of a petty misdemeanor.

§134-E Authority of counties. Nothing in this chapter shall be construed to affect the authority of any county to impose requirements relating to firearms that exceed the statewide provisions established in this chapter, including but not limited to prohibitions against carrying or possessing a firearm in additional locations or premises within that county."

SECTION 3. Section 134-1, Hawaii Revised Statutes, is amended as follows:

1. By adding three new definitions to be appropriately inserted and to read:

"Concealed" means, in relation to a firearm, that the firearm is entirely hidden from view of the public and not discernible by ordinary observation, such that a reasonable person without law enforcement training would be unable to detect the presence of a firearm.

"Locked container" means a secure container that is fully enclosed, capable of preventing an unauthorized person from obtaining access to or possession of the firearm contained therein, and locked by a padlock, keylock, keypad, combination lock, or similar locking device. The term "locked container" does not include the trunk or the utility or glove compartment of a motor vehicle.

"Unconcealed" means not concealed."

2. By amending the definition of "crime of violence" to read:

""Crime of violence" means any offense[, as defined in title 37,] <u>under state or federal law, or</u> <u>the law of another state, a United States territory, or the District of Columbia</u> that [involves] <u>has</u> <u>as an element of</u> injury or threat of injury to the person of another[, ineluding] <u>or that has as an</u> <u>element of use, attempted use, or threatened use of physical force against the person or property</u> <u>of another or the creation of a substantial risk of causing bodily injury, and also includes the</u> <u>following offenses:</u> sexual assault in the fourth degree under section 707-733 [and], harassment <u>under section 711-1106</u>, harassment by stalking under section 711-1106.5[,], <u>endangering the</u> <u>welfare of a minor in the second degree under section 709-904</u>, terroristic threatening in the <u>second degree under section 707-717</u>, reckless endangering in the second degree under section <u>707-714</u>, criminal solicitation of a crime of violence under section 705-510, and conspiracy to commit a crime of violence under section 705-520, and offenses under federal law, or the law of another state, a United States territory, or the District of Columbia, that are comparable to the <u>offense defined or listed above.</u>"

SECTION 4. Section 134-2, Hawaii Revised Statutes, is amended by amending subsections (d) and (e) to read as follows:

"(d) The chief of police of the respective counties [may] shall issue permits to acquire firearms to citizens, nationals, or lawful permanent residents of the United States of the age of twenty-one years or more, or duly accredited official representatives of foreign nations, or duly commissioned law enforcement officers of the State who are aliens; provided that any law enforcement officer who is the owner of a firearm and who is an alien shall transfer ownership of the firearm within forty-eight hours after termination of employment from a law enforcement agency. The chief of police of each county [may] shall issue permits to aliens of the age of eighteen years or more for use of rifles and shotguns for a period not exceeding sixty days, upon a showing that the alien has first procured a hunting license under chapter 183D, part II. The chief of police of each county [may] shall issue permits to aliens of the age of twenty-one years or more for use of firearms for a period not exceeding six months, upon a showing that the alien is in training for a specific organized sport-shooting contest to be held within the permit period. The attorney general shall adopt rules, pursuant to chapter 91, as to what constitutes sufficient evidence that an alien is in training for a sport-shooting contest. Notwithstanding any law to the contrary and upon joint application, the chief of police [may] shall issue permits to acquire firearms jointly to spouses who otherwise qualify to obtain permits under this section.

(e) The permit application form shall be signed by the applicant and by the issuing authority. One copy of the permit shall be retained by the issuing authority as a permanent official record. Except for sales to dealers licensed under section 134-31, or dealers licensed by the United States Department of Justice, or law enforcement officers, [or where a license is granted under section 134-9,] or where any firearm is registered pursuant to section 134-3(a), no permit shall be issued to an applicant earlier than fourteen calendar days after the date of the application; provided that a permit shall be issued or the application denied before the twentieth day from the date of application. Permits issued to acquire any pistol or revolver shall be void unless used within ten days after the date of issue. Permits to acquire a pistol or revolver shall require a separate application and permit for each transaction. Permits issued to acquire any rifle
or shotgun shall entitle the permittee to make subsequent purchases of rifles or shotguns for a period of one year from the date of issue without a separate application and permit for each acquisition, subject to the disqualifications under section 134-7 and subject to revocation under section 134-13; provided that if a permittee is arrested for committing a felony or any crime of violence or for the illegal sale or distribution of any drug, the permit shall be impounded and shall be surrendered to the issuing authority. The issuing authority shall perform an inquiry on an applicant by using the International Justice and Public Safety Network, including the United States Immigration and Customs Enforcement query, the National Crime Information Center, and the National Instant Criminal Background Check System, pursuant to section 846-2.7 before any determination to issue a permit or to deny an application is made. The issuing authority shall not issue a permit to acquire the ownership of a firearm to any person where the issuance would not be in the interest of public health, safety, or welfare because the person is found to be lacking the essential character or temperament necessary to be entrusted with a firearm. In determining whether the person lacks the essential character or temperament necessary to be entrusted with a firearm, the issuing authority shall consider whether the person is likely to engage in conduct, other than lawful self-defense, that would pose a danger to self or others, as evidenced by whether the applicant has any history of threats or acts of violence by the applicant directed toward their self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the disqualifying criteria set forth in this subsection, including but not limited to determining whether the applicant has been subject to any recent arrests or criminal charges or has been experiencing any mental health issues such as suicidal ideation or violent impulses, the applicant's use of drugs or alcohol, and any other relevant evidence. The issuing authority shall consider the risks associated with firearms in the home, such as failure to consistently secure a firearm when not in the applicant's immediate control, the initiating or escalating of conflicts with intimate partners, family members, cohabitants, and invited guests such that a firearm is likely to be displayed or discharged other than in lawful self-defense; and shall consider the likelihood an applicant would bring the firearm outside of the home to engage in violence or to carry unlawfully in public. If an application under this section is denied, a person aggrieved by the denial shall be entitled to a hearing before the chief of police of the appropriate county or a designee of the chief of police. A person aggrieved by the denial shall submit a request for a hearing in writing to the chief of police of the appropriate county no later than thirty days following the date of the decision or determination notice. The hearing shall constitute a contested case hearing for purposes of chapter 91. Following the hearing, an aggrieved party shall be entitled to an appeal before the chief of police of the appropriate county or a designee of the chief of police."

SECTION 5. Section 134-5, Hawaii Revised Statutes, is amended to read as follows:

"§134-5 Possession by licensed hunters and minors; target shooting; game hunting. (a) Any person of the age of sixteen years, or over or any person under the age of sixteen years while accompanied by an adult, may carry and use any lawfully acquired rifle or shotgun and suitable ammunition while actually engaged in hunting or target shooting or while going to and from the place of hunting or target shooting; provided that the person has procured a hunting license under chapter 183D, part II. A hunting license shall not be required for persons engaged in target shooting.

(b) A permit shall not be required when any lawfully acquired firearm is lent to a person, including a minor, upon a target range or similar facility for purposes of target shooting; provided that the period of the loan does not exceed the time in which the person actually engages in target shooting upon the premises.

(c) A person may carry unconcealed and use a lawfully acquired pistol or revolver while actually engaged in hunting game mammals, if that pistol or revolver and its suitable ammunition are acceptable for hunting by rules adopted pursuant to section 183D-3 and if that person is licensed pursuant to part II of chapter 183D. The pistol or revolver may be transported in an enclosed container[, as defined in section 134-25] in the course of going to and from the place of the hunt, notwithstanding section 134-26.

(d) For purposes of this section, "enclosed container" means a rigidly constructed receptacle, or a commercially manufactured gun case, or the equivalent thereof that completely encloses the firearm."

SECTION 6. Section 134-7, Hawaii Revised Statutes, is amended to read as follows:

"**§134-7 Ownership** [or], possession, or control prohibited, when; penalty. (a) No person who is a fugitive from justice or is a person prohibited from possessing [firearms] <u>a</u> firearm or ammunition under title 18 United States Code section 922 or any other provision of federal law shall own, possess, or control any firearm or ammunition therefor.

(b) No person who [is under indictment for, or has waived indictment for, or has been bound over to the circuit court for,] has one or more pending charges for a felony, a crime of violence, or an illegal sale or distribution of any drug in a court in this State or elsewhere, or who has been convicted in this State or elsewhere of having committed a felony, [or any] <u>a</u> crime of violence, or an illegal sale <u>or distribution</u> of any drug shall own, possess, or control any firearm or ammunition therefor.

(c) No person [who:] shall own, possess, or control any firearm or ammunition if:

(1) [Is] <u>The person is</u> or has been under treatment or counseling for addiction to, abuse of, or dependence upon any dangerous, harmful, or detrimental drug, intoxicating compound as defined in section 712-1240, or intoxicating liquor;

(2) [Has] <u>The person has</u> been acquitted of a crime on the grounds of mental disease, disorder, or defect pursuant to section 704-411[;] or <u>any similar provision under federal law, or</u> the law of another state, a United States territory, or the District of Columbia;

(3) [Is] The person is or has been diagnosed [as having a significant behavioral, emotional, or mental disorders as defined by the most current diagnostic manual of the American Psychiatric Association or for treatment for organic brain syndromes;] with or treated for a medical, behavioral, psychological, emotional, or mental condition or disorder that causes or is likely to cause impairment in judgment, perception, or impulse control to an extent that presents an

unreasonable risk to public health, safety, or welfare if the person were in possession or control of a firearm or ammunition; or

(4) The person has been adjudged to be an "incapacitated person" within the meaning of section 560:5-102 or has been adjudged to meet the criteria for involuntary hospitalization under section 334-60.2.

[shall own, possess, or control any firearm or ammunition therefor,] unless the person [has been medically documented to be] establishes, with appropriate medical documentation, that the person is no longer adversely affected by the [addiction, abuse, dependence, mental disease, disorder, or defect.] criteria or statuses identified in this subsection.

(d) No person who is less than twenty-five years old and has been adjudicated by the family court to have committed a felony, [two or more crimes] <u>a crime</u> of violence, or an illegal sale <u>or</u> <u>distribution</u> of any drug shall own, possess or control any firearm or ammunition therefor.

(e) No minor [who:] shall own, possess, or control any firearm or ammunition if the minor:

(1) Is or has been under treatment for addiction to any dangerous, harmful, or detrimental drug, intoxicating compound as defined in section 712-1240, or intoxicating liquor;

(2) Is a fugitive from justice; or

(3) Has been determined not to have been responsible for a criminal act or has been committed to any institution on account of a mental disease, disorder, or defect; [shall own; possess, or control any firearm or ammunition therefor,] unless the minor [has been medically documented to be] establishes, with appropriate medical documentation, that the minor is no longer adversely affected by the addiction, mental disease, disorder, or defect.

For the purposes of enforcing this section, and notwithstanding section 571-84 or any other law to the contrary, any agency within the State shall make its records relating to family court adjudications available to law enforcement officials.

(f) No person who has been restrained pursuant to an order of any court, including a gun violence protective order issued pursuant to part IV, from contacting, threatening, or physically abusing any person, shall possess, control, or transfer ownership of any firearm or ammunition therefor, so long as the protective order, restraining order, or any extension is in effect, unless the order, for good cause shown, specifically permits the possession of a firearm and ammunition. The protective order or restraining order shall specifically include a statement that possession, control, or transfer of ownership of a firearm or ammunition by the person named in the order is prohibited. The person shall relinquish possession and control of any firearm and ammunition owned by that person to the police department of the appropriate county for safekeeping for the duration of the order or extension thereof. At the time of service of a protective order or restraining order involving firearms and ammunition in plain sight, those discovered pursuant to a consensual search, and those firearms surrendered by the person

restrained. If the person restrained is the registered owner of a firearm and knows the location of the firearm, but refuses to surrender the firearm or refuses to disclose the location of the firearm, the person restrained shall be guilty of a misdemeanor. In any case, when a police officer is unable to locate the firearms and ammunition either registered under this chapter or known to the person granted protection by the court, the police officer shall apply to the court for a search warrant pursuant to chapter 803 for the limited purpose of seizing the firearm and ammunition.

For the purposes of this subsection, good cause shall not be based solely upon the consideration that the person subject to restraint pursuant to an order of any court is required to possess or carry firearms or ammunition during the course of the person's employment. Good cause consideration may include but not be limited to the protection and safety of the person to whom a restraining order is granted.

(g) Any person disqualified from ownership, possession, control, or the right to transfer ownership of firearms and ammunition under this section shall surrender or dispose of all firearms and ammunition in compliance with section 134-7.3.

(h) Any person who otherwise would be prohibited under subsection (b) from owning, possessing, or controlling a firearm and ammunition solely as a result of a conviction for a crime that is not a felony, and who is not prohibited from owning, possessing, or controlling a firearm or ammunition under any other provision of this chapter or under title 18 United States Code section 922 or another provision of federal law, shall not be prohibited under this section from owning, possessing, or controlling a firearm and ammunition if twenty years have elapsed from the date of the conviction.

[(h)] (i) Any person violating subsection (a) or (b) shall be guilty of a class C felony; provided that any felon violating subsection (b) shall be guilty of a class B felony. Any person violating subsection (c), (d), (e), (f), or (g) shall be guilty of a misdemeanor."

SECTION 7. Section 134-9, Hawaii Revised Statutes, is amended to read as follows:

"**§134-9 Licenses to carry.** (a) [In an exceptional case, when an applicant shows reason to fear injury to the applicant's person or property, the] <u>The</u> chief of police of the appropriate county [may] shall grant a license to an applicant who is a [eitizen of the United States of the age of twenty-one years or more or to a duly accredited official representative of a foreign nation] resident of the State of the age of twenty-one years or more to carry a pistol or revolver and ammunition therefor concealed on the person within the county where the license is granted[-] upon determination by the chief of police that the applicant meets all the requirements set forth in this section. Where the urgency or the need has been sufficiently indicated, the respective chief of police may grant to an applicant of good moral character who is a citizen of the United States, a United States national, or a lawful permanent resident of the age of twenty-one years or more, is engaged in the protection of life and property, and is not prohibited under section 134-7 from the ownership or possession of a firearm, a license to carry a pistol or revolver and ammunition therefor unconcealed on the person within the county where the license is granted. The chief of police of the appropriate county, or the chief's designated representative,

shall perform an inquiry on an applicant by using the National Instant Criminal Background Check System, to include a check of the Immigration and Customs Enforcement databases where the applicant is not a citizen of the United States, before any determination to grant a license is made. Unless renewed, the license shall expire one year from the date of issue.

(b) The chief of police of each county shall adopt procedures to require that any person granted a license to carry a concealed [weapon] pistol or revolver on the person shall:

(1) Be qualified to use the firearm in a safe manner[;]. To prove an applicant is qualified, applicants shall be required to provide proof of a firearm certification program that satisfies the requirements of section 134-2(g)(2) through (4) no earlier than ninety days prior to submitting an application for an initial license to carry a concealed pistol or revolver on the person, and at intervals to be determined by the chief of police for applications to renew a license to carry a concealed pistol or revolver on the person. An eligible firearm certification program shall include:

 (A) In-person instruction and a written test covering the topics of relevant gun laws, including secure storage practices and location restrictions, use of force and de-escalation, and the risks to self and others of owning firearms; and
(B) Live-fire instruction and demonstration of safe handling of, and shooting proficiency with, each firearm the applicant is applying to be licensed to carry;

(2) [Appear to be] Be a suitable person to [be so licensed;] carry a concealed pistol or revolver in public. In determining whether the person is a suitable person to carry a concealed pistol or revolver in public, the chief of police shall make the required inquiry and investigation set forth in section 134-2(e) and shall also consider the additional risks associated with public carry of a firearm, such as failure to consistently secure a firearm outside the home and protect it from theft or unauthorized access, especially in densely populated settings; conduct or statements, including verbal threats involving a firearm or displaying a firearm, that would have the tendency to threaten or terrorize members of the public; the initiation or escalation of conflicts with others such that a firearm is likely to be displayed or discharged other than in lawful self-defense during interactions in public; and unintentional or reckless discharge of a firearm in public. The attorney general may issue rules or publish guidance regarding the types of conduct that the chief of police may consider when deciding whether the applicant is a suitable person to carry a concealed pistol or revolver in public;

(3) Not be prohibited under section 134-7 from the ownership or possession of a firearm; [and]

(4) Not have one or more pending charges for a felony, a crime of violence, or an illegal sale or distribution of any drug in a court in the State or elsewhere, or have been convicted in the State or elsewhere of having committed in the previous ten years:

- (A) Operating a vehicle under the influence of an intoxicant under section 291E-61;
- (B) Criminally negligent storage of a firearm under section 707-714.5; or
- (C) A firearm offense punishable as a misdemeanor under this chapter; and

[(4)] (5) Not have been adjudged insane or not appear to be mentally deranged. Being a person who does "not appear to be mentally deranged" means that the applicant does not exhibit specific and articulable indicia that would objectively indicate to a reasonable observer that the applicant is not capable of being a reasonable and law-abiding user of firearms. Such specific and articulable indicia may include but are not limited to suicidal ideations; homicidal ideations; or potential dangerousness, including a violent animus towards one or more groups based on race, color, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, age, disability, religion, or other characteristic, such that a reasonable person would conclude that the applicant harbored an intention to use a firearm in public to attack or threaten others, rather than for self defense.

(c) No person shall carry concealed or unconcealed on the person a pistol or revolver without being licensed to do so under this section or in compliance with sections 134-5(c) or 134-25.

(d) The application for license to carry a concealed firearm shall be in the form prescribed by the chief of police of each county and shall include, at a minimum the following features:

(1) The applicant's name; address; sex; height; weight; date of birth; place of birth; country of citizenship; social security number; alien or admission number; any aliases or other names previously used by the applicant; physical description, including any distinguishing physical characteristics of the applicant; current employer; and identifying information for the firearm for which the license is sought;

(2) The text of state laws pertaining to firearm storage in sections 134-10.5, 134-25, and 707-714.5, the text of the locations where firearms are prohibited set forth in section 134-A, the text of section 134-D, and space for an applicant's signature confirming the applicants acknowledgement and understanding of those laws;

(3) A certification of whether the applicant has been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim, or permanent basis, or experienced any mental health condition that could impact risk to public safety, including but not limited to conditions involving suicidal ideations, homicidal ideations, or violent impulses;

(4) Contact information for not less than four reputable persons who are not related by blood or law to the applicant and have known the applicant for at least three years preceding the application date who will serve as personal references for the applicant's license application and who have sufficient knowledge of whether the applicant is a suitable person to carry a concealed pistol or revolver in public, as set forth in subsection (b)(2). The applicant shall also provide names and contact information for the applicant's current spouse, domestic partner, or significant other, if any, and any other adults residing in the applicant's home, including adult children;

(5) The applicant shall complete an authorization for release of mental health records, including psychiatric, behavioral health, and substance abuse information. The applicant shall also complete any forms required by the applicant's health care provider or relevant government entity for release of mental health information; and

(6) Any other information the county chief of police, or a designated member of the chief of police's staff, may require from the applicant or any other person as the chief of police reasonably deems necessary to conduct the review of the application, including but not limited to publicly available statements posted or published online by the applicant.

The chief of police in the applicant's county, or a designated member of the chief of police's staff, shall conduct an in-person interview with the applicant and an in-person videoconference, or telephonic interview with individuals identified by the applicant as personal references, and shall make inquiry concerning, and investigate to the extent warranted, whether the applicant meets the qualifications and standards set forth in subsection (b). Individuals whose contact information is provided on the application form may be contacted by the county chief of police, or a designated member of the chief of police's staff, during this inquiry and investigation. The county chief of police, or a designated member of the chief of police's staff, shall also contact local law enforcement where the applicant resides and works, and any place where the applicant has resided in the previous ten years, if the applicant currently or within the previous ten years has resided or worked in a county other than the one in which a license is being sought.

[(d)] (e) A fee of \$10 shall be charged for each license and shall be deposited in the treasury of the county in which the license is granted.

(f) If an application under this section is denied, a person aggrieved by the denial shall be entitled to a hearing before the chief of police of the appropriate county or a designee of the chief of police. A person aggrieved by the denial shall submit a request for a hearing in writing to the chief of police of the appropriate county no later than thirty days following the date of the decision or determination notice. The hearing shall constitute a contested case hearing for purposes of chapter 91. Following the hearing and final decision, an aggrieved party shall be entitled to an appeal before the chief of police of the appropriate county or a designee of the chief of police. In all cases where a permit application under this section is denied because an applicant is prohibited from owning, possessing, receiving, or controlling firearms under federal or state law, the chief of police of the applicable county shall send written notice as described in section 134-2(j)."

SECTION 8. Section 134-13, Hawaii Revised Statutes, is amended to read as follows:

"§134-13 Revocation of permits. (a) All permits and licenses provided for under this part may be revoked[, for good cause,] by the issuing authority or by the judge of any court[-] <u>if</u>, at any time, the licensee or permit holder no longer meets the qualifications or requirements of the applicable permit or license section under which their permit or license was granted. Licenses to carry concealed firearms shall be revoked if, at any time, either the issuing authority determines or is notified by the judge of any court or a law enforcement agency of any of the following:

- (1) <u>A licensee is prohibited by state or federal law from owning or purchasing a firearm;</u>
- (2) <u>A licensee becomes ineligible to obtain a license under section 134-9(b)</u>;

(3) Any information provided by a licensee in connection with an application for a new license or license renewal is inaccurate or incomplete:

(4) A licensee is no longer a suitable person to hold a license under section 134-9(b)(2); or

(5) A licensee engages in any conduct that would have resulted in the denial of a license.

(b) If the issuing authority determines that a permit or license is subject to revocation, it shall notify the permit or license holder of the determination in writing, stating the grounds for the determination and informing the permit or license holder of the right to seek a hearing before the issuing authority regarding the determination prior to revocation. Unless the permit or license holder submits a request for a hearing in writing to the issuing authority no later than thirty days following the date of the written notice that the permit or license is subject to revocation, the permit or license shall be immediately revoked by the issuing authority. Any hearing regarding a determination that a permit or license is subject to revocation under this section may appeal to the chief of police of the appropriate county or a designee of the chief of police. If the license or permit is revoked because the licensee or permit holder is prohibited from possessing firearms under section 134-7 or part IV of this chapter, then section 134-7.3 shall govern the process for voluntary surrender and seizure."

SECTION 9. Section 134-18, Hawaii Revised Statutes, is amended to read as follows:

"§134-18 Qualified immunity for physicians, psychologists, [or] psychiatrists, physician assistants, or advanced practice registered nurses who provide information on permit or license applicants. There shall be no civil liability for any physician, psychologist, [or] psychiatrist, physician assistant, or advanced practiced registered nurse who provides information or renders an opinion in response to an inquiry made for purposes of issuing a firearm permit under section 134-2, issuing or renewing a license under section 134-9, or [for purposes of] investigating the continuing mental health of the holder of a valid firearm permit or license; provided that the physician, psychologist, [or] psychiatrist, physician assistant, or advanced practiced registered nurse, who provides that the physician, psychologist, [or] psychiatrist, physician assistant, or advanced practiced registered nurse acted without malice."

SECTION 10. Section 134-25, Hawaii Revised Statutes, is amended to read as follows:

"[f]§134-25[f] Place to keep pistol or revolver; penalty. (a) Except as provided in sections 134-5 and 134-9, all firearms shall be confined to the possessor's place of business, residence, or sojourn; provided that it shall be lawful to carry unloaded firearms in [an enclosed] a locked container from the place of purchase to the purchaser's place of business, residence, or sojourn, or between these places upon change of place of business, residence, or sojourn, or between these places and the following:

- (1) A place of repair;
- (2) A target range;
- (3) A licensed dealer's place of business;

(4) An organized, scheduled firearms show or exhibit;

(5) A place of formal hunter or firearm use training or instruction; or

(6) A police station.

["Enclosed container" means a rigidly constructed receptacle, or a commercially manufactured gun case, or the equivalent thereof that completely encloses the firearm.]

(b) Any person who carries or possess a pistol or revolver in a vehicle pursuant to section 134-5, pursuant to a license issued under section 134-9, or in accordance with title 18 United States Code section 926B or 926C, shall keep the pistol or revolver in a locked container and place the container out of plain view when leaving the pistol or revolver in a vehicle unattended.

[(b)] (c) Any person violating [this section] subsection (a) by carrying or possessing a loaded or unloaded pistol or revolver shall be guilty of a class B felony.

(d) Any person who intentionally, knowingly, or recklessly violates subsection (b) shall be guilty of a misdemeanor, and shall also be subject to revocation of their license to carry a firearm under section 134-13 and disqualified from renewing their license to carry a firearm issued under section 134-9.

(e) For the purposes of this section, a vehicle is unattended when a person who is lawfully carrying or transporting a firearm in a vehicle is not within close enough proximity to the vehicle to reasonably prevent unauthorized access to the vehicle or its contents."

SECTION 11. Section 846-2.7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Criminal history record checks may be conducted by:

(1) The department of health or its designee on operators of adult foster homes for individuals with developmental disabilities or developmental disabilities domiciliary homes and their employees, as provided by section 321-15.2;

(2) The department of health or its designee on prospective employees, persons seeking to serve as providers, or subcontractors in positions that place them in direct contact with clients when providing non-witnessed direct mental health or health care services as provided by section 321-171.5;

(3) The department of health or its designee on all applicants for licensure or certification for, operators for, prospective employees, adult volunteers, and all adults, except adults in care, at healthcare facilities as defined in section 321-15.2;

(4) The department of education on employees, prospective employees, and teacher trainees in any public school in positions that necessitate close proximity to children as provided by section 302A-601.5;

(5) The counties on employees and prospective employees who may be in positions that place them in close proximity to children in recreation or child care programs and services;

(6) The county liquor commissions on applicants for liquor licenses as provided by section 281-53.5;

(7) The county liquor commissions on employees and prospective employees involved in liquor administration, law enforcement, and liquor control investigations;

(8) The department of human services on operators and employees of child caring institutions, child placing organizations, and foster boarding homes as provided by section 346-17;

(9) The department of human services on prospective adoptive parents as established under section 346-19.7;

(10) The department of human services or its designee on applicants to operate child care facilities, household members of the applicant, prospective employees of the applicant, and new employees and household members of the provider after registration or licensure as provided by section 346-154, and persons subject to section 346-152.5;

(11) The department of human services on persons exempt pursuant to section 346-152 to be eligible to provide child care and receive child care subsidies as provided by section 346-152.5;

(12) The department of health on operators and employees of home and community-based case management agencies and operators and other adults, except for adults in care, residing in community care foster family homes as provided by section 321-15.2;

(13) The department of human services on staff members of the Hawaii youth correctional facility as provided by section 352-5.5;

(14) The department of human services on employees, prospective employees, and volunteers of contracted providers and subcontractors in positions that place them in close proximity to youth when providing services on behalf of the office or the Hawaii youth correctional facility as provided by section 352D-4.3;

(15) The judiciary on employees and applicants at detention and shelter facilities as provided by section 571-34;

(16) The department of public safety on employees and prospective employees who are directly involved with the treatment and care of persons committed to a correctional facility or who possess police powers including the power of arrest as provided by section 353C-5;

(17) The board of private detectives and guards on applicants for private detective or private guard licensure as provided by section 463-9;

(18) Private schools and designated organizations on employees and prospective employees who may be in positions that necessitate close proximity to children; provided that private schools and designated organizations receive only indications of the states from which the national criminal history record information was provided pursuant to section 302C-1;

(19) The public library system on employees and prospective employees whose positions place them in close proximity to children as provided by section 302A-601.5;

(20) The State or any of its branches, political subdivisions, or agencies on applicants and employees holding a position that has the same type of contact with children, vulnerable adults, or persons committed to a correctional facility as other public employees who hold positions that are authorized by law to require criminal history record checks as a condition of employment as provided by section 78-2.7;

(21) The department of health on licensed adult day care center operators, employees, new employees, subcontracted service providers and their employees, and adult volunteers as provided by section 321-15.2;

(22) The department of human services on purchase of service contracted and subcontracted service providers and their employees serving clients of the adult protective and community services branch, as provided by section 346-97;

(23) The department of human services on foster grandparent program, senior companion program, and respite companion program participants as provided by section 346-97;

(24) The department of human services on contracted and subcontracted service providers and their current and prospective employees that provide home and community-based services under section 1915(c) of the Social Security Act, title 42 United States Code section 1396n(c), or under any other applicable section or sections of the Social Security Act for the purposes of providing home and community-based services, as provided by section 346-97;

(25) The department of commerce and consumer affairs on proposed directors and executive officers of a bank, savings bank, savings and loan association, trust company, and depository financial services loan company as provided by section 412:3-201;

(26) The department of commerce and consumer affairs on proposed directors and executive officers of a nondepository financial services loan company as provided by section 412:3-301;

(27) The department of commerce and consumer affairs on the original chartering applicants and proposed executive officers of a credit union as provided by section 412:10-103;

(28) The department of commerce and consumer affairs on:

- (A) Each principal of every non-corporate applicant for a money transmitter license;
- (B) Each person who upon approval of an application by a corporate applicant for a money transmitter license will be a principal of the licensee; and

(C) Each person who upon approval of an application requesting approval of a proposed change in control of licensee will be a principal of the licensee,

as provided by sections 489D-9 and 489D-15;

(29) The department of commerce and consumer affairs on applicants for licensure and persons licensed under title 24;

(30) The Hawaii health systems corporation on:

- (A) Employees;
- (B) Applicants seeking employment;
- (C) Current or prospective members of the corporation board or regional system board; or
- (D) Current or prospective volunteers, providers, or contractors,

in any of the corporation's health facilities as provided by section 323F-5.5;

(31) The department of commerce and consumer affairs on:

- (A) An applicant for a mortgage loan originator license, or license renewal; and
- (B) Each control person, executive officer, director, general partner, and managing member of an applicant for a mortgage loan originator company license or license renewal,

as provided by chapter 454F;

(32) The state public charter school commission or public charter schools on employees, teacher trainees, prospective employees, and prospective teacher trainees in any public charter school for any position that places them in close proximity to children, as provided in section 302D-33;

(33) The counties on prospective employees who work with children, vulnerable adults, or senior citizens in community-based programs;

(34) The counties on prospective employees for fire department positions that involve contact with children or vulnerable adults;

(35) The counties on prospective employees for emergency medical services positions that involve contact with children or vulnerable adults;

(36) The counties on prospective employees for emergency management positions and community volunteers whose responsibilities involve planning and executing homeland security measures including viewing, handling, and engaging in law enforcement or classified meetings and assisting vulnerable citizens during emergencies or crises;

(37) The State and counties on employees, prospective employees, volunteers, and contractors whose position responsibilities require unescorted access to secured areas and equipment related to a traffic management center;

(38) The State and counties on employees and prospective employees whose positions involve the handling or use of firearms for other than law enforcement purposes;

(39) The State and counties on current and prospective systems analysts and others involved in an agency's information technology operation whose position responsibilities provide them with access to proprietary, confidential, or sensitive information;

(40) The department of commerce and consumer affairs on:

- (A) Applicants for real estate appraiser licensure or certification as provided by chapter 466K;
- (B) Each person who owns more than ten per cent of an appraisal management company who is applying for registration as an appraisal management company, as provided by section 466L-7; and
- (C) Each of the controlling persons of an applicant for registration as an appraisal management company, as provided by section 466L-7;

(41) The department of health or its designee on all license applicants, licensees, employees, contractors, and prospective employees of medical cannabis dispensaries, and individuals permitted to enter and remain in medical cannabis dispensary facilities as provided under sections 329D-15(a)(4) and 329D-16(a)(3);

(42) The department of commerce and consumer affairs on applicants for nurse licensure or license renewal, reactivation, or restoration as provided by sections 457-7, 457-8, 457-8.5, and 457-9;

(43) The county police departments on applicants for permits to acquire firearms pursuant to section 134-2 [and], on individuals registering their firearms pursuant to section 134-3[;], and on applicants for new or renewed licenses to carry a pistol or revolver and ammunition pursuant to section 134-9;

(44) The department of commerce and consumer affairs on:

- (A) Each of the controlling persons of the applicant for licensure as an escrow depository, and each of the officers, directors, and principals who will be in charge of the escrow depository's activities upon licensure; and
- (B) Each of the controlling persons of an applicant for proposed change in control of an escrow depository licensee, and each of the officers, directors, and principals who will be in charge of the licensee's activities upon approval of the application,

as provided by chapter 449;

(45) The department of taxation on current or prospective employees or contractors who have access to federal tax information in order to comply with requirements of federal law, regulation, or procedure, as provided by section 231-1.6;

(46) The department of labor and industrial relations on current or prospective employees or contractors who have access to federal tax information in order to comply with requirements of federal law, regulation, or procedure, as provided by section 383-110;

(47) The department of human services on current or prospective employees or contractors who have access to federal tax information in order to comply with requirements of federal law, regulation, or procedure, as provided by section 346-2.5;

(48) The child support enforcement agency on current or prospective employees or contractors who have access to federal tax information in order to comply with federal law, regulation, or procedure, as provided by section 576D-11.5;

(49) The department of the attorney general on current or prospective employees or employees or agents of contractors who have access to federal tax information to comply with requirements of federal law, regulation, or procedure, as provided by section 28-17;

[£](50)[3]The department of commerce and consumer affairs on each control person, executive officer, director, general partner, and managing member of an installment loan licensee, or an applicant for an installment loan license, as provided in chapter 480J;

[f](51)[f]The University of Hawaii on current and prospective employees and contractors whose duties include ensuring the security of campus facilities and persons; and

[[](52)[]]Any other organization, entity, or the State, its branches, political subdivisions, or agencies as may be authorized by state law."

SECTION 12. All provisions in sections 134-2 and 134-9 that state that a permit or license "shall" be granted shall be construed as discretionary, rather than mandatory, in the event the attorney general certifies that the United States Supreme Court has overruled the holding of *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S.Ct. 2111 (2022).

SECTION 13. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 14. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 15. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 16. This Act shall take effect on January 1, 2050; provided that the amendments made to section 846-2.7(b), Hawaii Revised Statutes, by section 10 of this Act shall not be repealed when that section is repealed and reenacted pursuant to Act 278, Session Laws of Hawaii 2022.

Report Title:

Firearms; Concealed Carry; License to Carry; Sensitive Locations; Attorney General; Police; Insurance; Report

Description:

Prohibits issuing authorities from issuing permits to acquire the ownership of a firearm to any person where the issuance would not be in the interest of the public health, safety, or welfare because the person is found to be lacking the essential character or temperament necessary to be entrusted with a firearm. Requires issuing authorities to consider the risks associated with firearms in the home and consider the likelihood an applicant would bring the firearm outside of the home to engage in violence or carry unlawfully in public. Increases requirements for applicants seeking a license to carry a firearm. Sets minimum requirements for applications for a license to carry a concealed firearm. Establishes the crime of carrying a firearm in sensitive locations. Defines sensitive location. Requires licenses to carry concealed firearms be revoked if certain conditions are met. Requires the Attorney General to publish an annual report on licenses to carry firearms. Requires firearms be kept in a locked container and out of plain view when in an unattended vehicle. Defines locked container and makes conforming amendments. Amends the definition of "crime of violence" to include additional crimes. Requires a person carrying a firearm in public pursuant to a license to maintain insurance coverage. Establishes a duty to maintain possession of a license while carrying a firearm. Establishes a duty to disclose that a person is carrying a firearm when stopped by a law enforcement officer. Establishes an appeals process for the denial or revocation of an application for a permit to acquire the ownership of a firearm or to carry a concealed firearm. Allows county police departments to conduct criminal history record checks for licenses to carry a firearm. Provides qualified immunity for physician assistants and advanced practice registered nurses who provide information on permit applicants. Establishes penalties for violations. Takes effect 1/1/2050. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

IN SUPPORT OF SB1230

When I was younger, one of my best friends accidentally shot himself in the leg while holding his hand gun. He had been trained to handle and shoot the gun and claimed it "just went off". My friend believed that he had a responsibility to protect people in his community and had talked about how he wanted to be their "silent protector". That is a lot of power for someone to have and a very big ask to put my trust in a stranger who wants to be my "silent protector". The thought of being in close proximity with these firearms makes me anxious and fearful, it does not make me feel more safe. Putting guns out into our community, as we go about our daily lives, will significantly increase the risk of injury and violence, just by their presence because they will now be part of the equation. It is my fear that the accidents and escalations will outnumber the heroics.

Military bases do not allow conceal carry. Lt. Gen Mark Milley, the nation's highest-ranking military officer, has said that he doesn't think soldiers should carry concealed weapons on base. If the United States military doesn't think concealed carry is wise, even in a heavily controlled area such as a base, why do we think the general public are qualified for unfettered access throughout our community to carry guns? If we want people to act with firearm common sense, we have to set the precedent by passing common sense gun legislation.

I believe in the 2nd Amendment right to bear arms, but I do not believe that guns should be everywhere in our modern society. I support common sense gun laws. If we must have concealed weapons in our community, there should be some limits. Guns don't belong in schools and parks and other places that children play, because we have seen that they are no longer off limits. Guns should not be allowed where alcohol is sold and consumed. When I go to the grocery store, I don't want to have to worry about being around guns and other "silent protectors". Especially when I am with my family. It is complicated when it comes to protecting your family and we all have the right to do so. We are going to have to find a compromise because firearms don't make everyone feel safe. We should have access to areas where we can take our families if we're concerned about the potential presence of concealed guns - and businesses should have to openly post out front if firearms are allowed on their property.

I strongly support this legistlation and am very grateful to our local leaders in Honolulu who understand the importance of keeping guns out of places where the risk of harm is particularly high. Please pass this bill so we can continue to feel safe to move throughout our community freely and provide our children the safe spaces they deserve in order to thrive.

Mahalo,

Rachel Logan Concerned Parent & Citizen Events Lead - Moms Demand Action - Hawaii Chapter



DATE: March 20, 2023

- TO: Representative David Tarnas Chair, Committee on Judiciary
- FROM: Mihoko E. Ito / Tiffany Yajima
- RE: S.B. 1230, S.D. 2, Relating to Firearms Hearing Date: March 21, 2023 at 2:00 p.m. Conference Room: 325 & Videoconference

Dear Chair Tarnas, Vice Chair Takayama, and Members of Committee on Judiciary and Hawaiian Affairs:

We submit this testimony on behalf of the Hawaii Bankers Association (HBA). HBA represents seven Hawai`i banks and one bank from the continent with a branch in Hawai`i.

HBA submits this testimony in **support** of S.B.1230, S.D. 2, which, among other things, establishes the crime of carrying a firearm in a sensitive location and defines a list of sensitive places.

In June 2022, the U.S. Supreme Court decision in *New York State Rifle & Pistol Association v. Bruen* impacted many conceal carry laws by opening the door for municipalities and states to define sensitive places where concealed weapons could be prohibited. Since this decision, many municipalities and states have been deliberating over and passing legislation to prohibit concealed firearms in sensitive locations.

We support the inclusion of financial institutions defined under HRS 211D-1 as one of the sensitive locations where concealed carry weapons would be prohibited in this bill. Given the elevated risk of danger in bank crimes that involve firearms, it makes good policy sense and is appropriate to restrict concealed firearms on bank premises.

We are happy to answer any questions and appreciate the opportunity to testify in support of this bill.



March 21, 2023

Members of the House Committee on Judiciary & Hawaiian Affairs Chair David A. Tarnas Vice Chair Gregg Takayama Rep. Sonny Ganaden Rep. Troy N. Hashimoto Rep. Daniel Holt Rep. Linda Ichiyama Rep. Greggor Ilagan Rep. Sam Satoru Kong Rep. John M. Mizuno Rep. Kanani Souza

Re: SB1230 SD2 Relating to Firearms

Dear Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary & Hawaiian Affairs:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) addresses the social, political, and economic impacts of domestic violence on individuals, families, and communities. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 28 member programs statewide, we respectfully submit testimony in strong support of SB1230 SD2 and suggest an amendment that would protect facilities that provide services to survivors, their children, and children in the juvenile justice system of the child welfare system. This measure would have a profound impact on public safety, survivors of domestic violence, their children, and the organizations that serve them.

We respectfully suggest for the amendments:

Page 12 lines 11-15: Amend line 11 of page 12 by striking "opreated by a"

Amend line 12 of page 12 by striking "government entity or a charitable orggnization serving"

Amend line 13 of page 12 by striking "children or adults, including but not limited to"



Amend line 14 of page 12 by striking "unhoused children or adults and children involved in"

Amend line 15 of page 12 by striking "the juvenile justice system;" and replacing it with "serving unhoused persons or victims of domestic violence and their children;"

to read:

"(7) A shelter or residential facility serving unhoused persons or victims of domestic violence and their children;"

AND

Page 15 lines 16-17:

Amend line 16 of page 15 by striking "and" and replacing it with ";"

Amend line 17 of page 15 by striking "." and replacing it with ";

(19) Any shelter or residential facility serving children involved in the juvenile justice system or the child welfare system, any facility providing programmatic services to children involved in the juvenile justice system or the child welfare system, and any adjacent parking areas to such shelter or facility; and

(20) Any non-residential facility providing programmatic services to unhoused persons or victims of domestic violence and their children."

Many domestic violence programs provide services to survivors outside of a shelter setting. Those programmatic sites prove counseling, supervised child visitation, and exchange and advocacy services. Perpetrators of domestic violence with access to guns use the threat of gun violence to inflict emotional abuse on their partners or escalate to homicide. The presence of a firearm in domestic violence situations increases the risk of homicide for women by 500%. Additionally, more than half of women killed by gun violence are killed by family members or intimate partners.¹

¹ Campbell JC, Webster D, Koziol-McLain J, Block C, Campbell D, Curry MA, Gary F, Glass N, McFarlane J, Sachs C, Sharps P, Ulrich Y, Wilt SA, Manganello J, Xu X, Schollenberger J, Frye V, Laughon K. Risk factors for femicide in abusive relationships:



And the trend is worsening: in the ten-year period between 2008 and 2017, intimate partner homicides of women involving guns increased by 15 percent.² Adults are not the only victims. On March 4, 2022, a father under a restraining order killed his three daughters during a court-ordered family visitation at a church.³

We must create safe spaces where survivors of domestic violence are free to heal and seek help after traumatic events. Prohibiting the public carrying of firearms in these spaces is paramount to creating this healing environment without the threat of harm, revictimization, or re-traumatization.

Thank you for the opportunity to testify on this matter.

Sincerely, Angelina Mercado, Executive Director

results from a multisite case control study. Am J Public Health. 2003 Jul;93(7):1089-97. Doi: 10.2105/ajph.93.7.1089. PMID: PMC1447915

² Fridel EE, Fox JA. Gender differences in patterns and trends in the US homicide, 1976-2017. *Violence and Gender*. 2019; doi: <u>10.1089/vio.2019.0005</u>. Data from this study were obtained by Everytown from the author James Alan Fox directly over email dated October 1, 2019 for this analysis.

³ https://www.nytimes.com/2022/03/02/us/sacramento-church-shooting.html



HIPHI Board

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HIPHI Initiatives

Coalition for a Tobacco-Free Hawaiʻi

Community Health Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol Free Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective

To: Representative David A. Tarnas, Chair Representative Gregg Takayama, Vice Chair Members of the Committee on Judiciary & Hawaiian Affairs

Re: Support SB 1230 SD2 Relating to Firearms

Hrg: Tuesday, March 21, 2023

Date: March 17, 2023

The Hawai'i Public Health Instituteⁱ (HIPHI) is in strong **support of SB1230 SD2**, which will put into place clear, strong gun control laws that will keep our sensitive locations in our communities safe from firearms.

Ensuring our communities are safe from unnecessary gun violence in various sensitive places is a priority. Gun violence in America is a public health crisis. With the ruling of the Supreme Court, it is more important than ever to ensure responsibility. This measure addresses proximity, one of the most significant causes of gun violence.ⁱⁱ.

Passing SB 1230 SD2 creates the necessary boundaries to protect our most sensitive places. Places where people gather, there are children, and are dedicated to the most vulnerable need to be protected.

For these reasons, HIPHI respectfully requests that the Committee pass this measure to protect our communities.

Mahalo,

Pezzy Mienzua

Peggy Mierzwa Director of Policy & Advocacy Hawaiʻi Public Health Institute

¹ Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

ⁱⁱ Barna, Mark. "Evidence-based policies reduce gun violence—Forum shocases science, policies, solutions to end US epidemic," *The Nation's Health* November/December 2019, 49 (9) 3;

SB-1230-SD-2

Submitted on: 3/18/2023 11:25:18 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Connie Mitchell	IHS, The Institute for Human Services	Support	Written Testimony Only

Comments:

On behalf of IHS, the Institute for Human Services, I offer testimony in strong support of SB1230 SD2. As an organization that provides emergency shelter to a wide array of vulnerable individuals, from keiki to kupuna, from mentally ill or medically fragile to those who are struggling with managing their emotions due to substance abuse, we are determined to keep firearms out of the hands of persons who are not law enforcement or others registered to carry concealed weapons in our shelters and in our community.

We have already noted an increase in violence between persons fueled by trauma filled lives and substance abuse In the streets. This violence has already crept into our shelters with more incidents and injuries occurring as the months go by. Adding firearms to the mix of what we face daily is untenable. Please pass this bill to protect the most vulnerable among us as well as the rest of our community.

Mahalo for the opportunity to share our perspective.

Connie Mitchell, Executive Director



1654 South King Street Honolulu, Hawaii 96826-2097 Telephone: (808) 941.0556 Fax: (808) 945.0019 Meb site: www.hcul.org Email: info@hcul.org

Testimony to the House Committee on Judiciary and Hawaiian Affairs Tuesday, March 21, 2023, 2:00 PM Conference Room 325

In Support of SB 1230 SD2, Relating to Firearms

To: The Honorable David Tarnas, Chair The Honorable Gregg Takayama, Vice-Chair Members of the Committee

My name is Stefanie Sakamoto, and I am testifying on behalf of the Hawaii Credit Union League, the local trade association for 47 Hawaii credit unions, representing over 864,000 credit union members across the state.

HCUL offers the following comments in support of SB 1230 SD2, Relating to Firearms. This bill, among other things, would establish the crime of carrying a firearm in a sensitive location, and defines "sensitive location".

Hawaii's credit unions are in strong support of the provision of the bill which defines sensitive locations; including financial institutions in this definition. Credit unions and banks already have a high risk of being robbed, and allowing concealed firearms into these establishments would definitely raise this risk, along with putting their staff and members in danger. We appreciate the legislature recognizing and taking action on this important matter.

Thank you for the opportunity to provide comments on this issue.



Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

- To: Representative Tarnas, Chair Representative Takayama, Vice Chair House Committee on Judiciary & Hawaiian Affairs
- Re: SB1230, relating to firearms 2:00 p.m., Mar. 21, 2023

Aloha Chair Tarnas, Vice Chair Takayama and committee members,

On behalf of Hawai'i Children's Action Network (HCAN) Speaks!, mahalo for the opportunity to testify in STRONG SUPPORT of Senate Bill 1230, relating to firearms.

It is estimated that **nationally 7 children per day died from firearms in 2021**.¹ Communities of color face this crisis even more acutely. Children and youth from black, brown and indigenous communities have died from firearms at a rate greater than their white counterparts.²

Gun violence's harm is pervasive. Every day children and youth witness gun violence in their communities and homes. Exposure to violence can have significant impacts on young children. When children witness gun violence, and violence in general, it impacts children's mental and physical well-being. We cannot overstate how much more acute this response is for our youngest keiki. Even when young children were less likely to witness gun violence, they were "more likely to feel high fear, sadness and upset when they did."³

SB1230 is critical for our children to be safe, healthy and thriving. In particular, we appreciate that the definition for "sensitive location" includes "Child care facilities, as defined in section 346-151" as well as "zoos, playgrounds, museums, libraries, recreation centers" operated by a government entity. We want to be sure children can be and feel most safe in the places they go to grow, learn and be nurtured. Please support SB1230.

Mahalo, Keʻōpū Reelitz Director of Early Learning and Health Policy

¹ Panchal, Nirmita, <u>The Impact of Gun Violence on Children and Adolescents</u>, Kaiser Family Foundation. ² Id.

³ Mitchell, K., Jones, L., Turner, H., Beseler, C., Hamby, S. & Wade Jr., R, "Understanding the Impact of Seeing Gun Violence and Hearing Gunshots in Public Places: Findings from the Youth Firearm Risk and Safety Study," *Journal of Interpersonal Violence 1-17*, 10. <u>https://www.unh.edu/ccrc/sites/default/files/media/2022-03/understanding-the-impact-of-seeing-gun-violence-and-hearing-gunshots-in-public-places-findings-from-the-youth-firearm-risk-andsafety-study.pdf</u>

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 10:06:10 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Shimei	Indivisible Hawaii	Support	Written Testimony Only

Comments:

IN SUPPORT

Indivisible Hawaii supports SB1230 SD2.



A Just Peace and Open and Affirming Congregation

THE CHURCH OF THE CROSSROADS TESTIMONY IN SUPPORT OF BILL SB 1230, SD2

The Church of the Crossroads celebrates 100 years of being Hawaii's first intentionally multiethnic church, dedicated to missions of peace, justice, and stewardship of the environment.

The Church of the Crossroads supports SB 1230, SD2, with a request for amendments to strengthen the bill.

In January 2023, our church congregation voted unanimously to advocate for stronger gun safety measures, including requiring thorough background checks of criminal and mental health history, robust safety training for all firearms permits, transfers and licenses, and prohibiting firearms from Sensitive Places, including homeless shelters.

We support SB 1230 because it creates numerous measures to better protect our community, while complying the unfortunate US Supreme Court's mandate that public carry permits be allowed. We request the following amendments to more effectively meet our community's safety needs:

A. In HRS 134-A(i), require a "clear and conspicuous posting at all public entrances to the property," for owners of private property who permit firearms to be carried on the property, instead of allowing it only as an alternative to express consent by the owner. This is the only fair way to provide notice to all persons who may otherwise wish to enter or patronize those locations, that firearms may be present on the property. This will allow us all to make our own reasonable choices for self-protection.

(18) Private property, including but not limited to residential, commercial, industrial, agricultural, institutional, or undeveloped property, unless the owner has provided express consent and clearly and conspicuously posts a sign at all public entrances of the building or on the premises indicating that license holders are permitted to carry firearms on the property.

B. Mental health background checks cannot be effective unless pertinent data bases are searched, disclosures are required, and HIPAA-authorizations are provided, so that information can be obtained from health care providers, health plans and governmental sources. One of the most comprehensive sources of health care information (diagnoses, treatment and services) is the individual's health care plan (HMSA, Kaiser, etc) that pays for virtually all health care rendered to the person. Thus, in section 134-9(d)(5), include "health care plan" so as to

read "applicant shall also complete any forms required by the applicant's health care provider, health care plan or relevant government entity for release of mental health information;"

C. In HRS 134-9(b)(5), include a past perspective to the "mentally deranged" inquiry, so that it will be clear that "to not appear mentally deranged" at the current moment is not adequate where there is history of being mentally deranged in the past.

(5) Not have been adjudged insane or not appear to be mentally deranged. <u>Being a</u> person who does "not appear to mentally deranged" means that the applicant has not exhibited specific and articulable indicia that would objectively indicate to a reasonable observer that the applicant is not capable of being a reasonable and law-abiding user of firearms. ...

Thank you for consideration of our testimony and helping protect the safety of our community.

Submitted by Ellen Godbey Carson on behalf of the Church of the Crossroads Email: <u>office@churchofthecrossroadshawaii.org</u>

I'm writing to ask you to support **SB 1230.** Hawai'i's strong gun laws have kept gun violence low, but now that the Supreme Court has forced Hawai'i to grant more concealed carry permits, we need you to act.

People should not be eligible to carry a gun if they've had a recent history of violence or threatening behavior, and we need to require that anyone with a permit gets training on how to safely use their gun.

If more people will be allowed to carry guns in Hawaii, we need to have clear rules about where guns are off-limits. Guns don't belong at playgrounds, parks, or schools, but without this bill, anyone who gets a concealed carry permit can bring hidden guns into those places. I don't want to wonder whether someone is carrying a gun every time I go to a restaurant, store, or even my doctor's office. When I take my family to the beach, a park, or playground, I want to feel as safe as I used to, and the idea that concealed guns could be in these places makes me feel less safe.

Please support SB 1230.

Thank you,

Kristen Snowdon Kapolei, 96707

I'm writing to ask you to support **SB 1230.** Hawai'i's strong gun laws have kept gun violence low, but now that the Supreme Court has forced Hawai'i to grant more concealed carry permits, we need you to act.

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Please support SB 1230.

Thank you,

joan selix Selix berman Kula, 96790

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Please support SB 1230.

Thank you,

Louise Thaell Kailua-Kona, 96740

I'm writing to ask you to support **SB 1230.** Hawai'i's strong gun laws have kept gun violence low, but now that the Supreme Court has forced Hawai'i to grant more concealed carry permits, we need you to act.

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Please support SB 1230.

Thank you,

April Ching Honolulu, 96822

I'm writing to ask you to support **SB 1230.** Hawai'i's strong gun laws have kept gun violence low, but now that the Supreme Court has forced Hawai'i to grant more concealed carry permits, we need you to act.

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Please support SB 1230.

Thank you,

Zaheva Knowles Kamuela, 96743

I'm writing to ask you to support **SB 1230.** Hawai'i's strong gun laws have kept gun violence low, but now that the Supreme Court has forced Hawai'i to grant more concealed carry permits, we need you to act.

People should not be eligible to carry a gun if they've had a recent history of violence or threatening behavior, and we need to require that anyone with a permit gets training on how to safely use their gun.

If more people will be allowed to carry guns in Hawaii, we need to have clear rules about where guns are off-limits. Guns don't belong at playgrounds, parks, or schools, but without this bill, anyone who gets a concealed carry permit can bring hidden guns into those places. I don't want to wonder whether someone is carrying a gun every time I go to a restaurant, store, or even my doctor's office. When I take my family to the beach, a park, or playground, I want to feel as safe as I used to, and the idea that concealed guns could be in these places makes me feel less safe.

Please support SB 1230.

Thank you,

Kelsey Baehrens Kailua, 96734

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Please support SB 1230.

Thank you,

Ruthann Olson-Moore Keasu, 96749

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Lora Lee Moriyama Aiea, 96701

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Mary Blumenfeld Kailua, 96734
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Thank you,

Alison Yokouchi Honolulu, 96814

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Thank you,

Stephanie Oakley Honolulu, 96821

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Cate Waidyatilleka Honolulu, 96821

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Pua Akaka Kapolei, 96707

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Cherisse Cabrinha Kaneohe, 96744

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Mary Fisher Mililani, 96789

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Alexandra Palumbo Waimanlo, 96795

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CS Shizuru Honolulu, 96816

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Janice Lacks Keaau, 96749

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Leone McPhee-White Kaneohe, 96744

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Thank you,

Taylor Okata Honolulu, 96822

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Charlene Flanter Honolulu, 96816

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Angela Yee Kapaa, 96746

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Suzanne Sternlicht Pepeekeo, 96783

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Kennedy Neubauer Honolulu, 96822

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Jessica Hogan Mililani, 96789

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Kaopuuokaha Weir Honolulu, 96825

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Joyce Coelho Honolulu, 96825

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Ana Baldinger Kahuku, 96731

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JACQUELINE ZAMBRANO Haiku, 96708

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Please support SB 1230.

Thank you,

Travis Armstrong Kapolei, 96707

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Niki Rogerson KANEOHE, 96744

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Thank you,

Jenny Silbiger Honolulu, 96814

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Lauren Yee Honolulu, 96818

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Sarah Bissell Kailua, 96734

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Sue Hornik Honolulu, 96815

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Nicole Cummings Honolulu, 96825

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andrew sheinis kamuela, 96743

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Katie Tulley Kapaa, 96746

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DENIS GUERET Kapaa, 96746

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Karen Valasek Honolulu, 96819

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Please support SB 1230.

Thank you,

Martha Darley Honolulu, 96818

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Thank you,

Kate Sweetman Haleiwa, 96712

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Thank you,

Jill Coombs Kualapuu, 96757

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Thank you,

Kortnie Cruz Haiku, 96708

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Thank you,

Veronica Echeverria Ewa Beach, 96706

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Alaina Craft Haiku, 96708

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Emma Stern Kailua-kona, 96740

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Jan Furuuchi Honolulu, 96826

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Thank you,

Katharine Conway Koloa, 96756

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Thank you,

Hana Fulghum Honolulu, 96822

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Paulette Peterson Kalaheo, 96741

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melinda caroll kula, 96790
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Thank you,

Lily Huynh Honolulu, 96822

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Rhiannon Taylor Honolulu, 96818

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Mary Ellen Ellen Williams Honolulu, 96813

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Kristine Chung Honolulu, 96813

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Catherine Cooper Princeville, 96722

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Christopher Edwards Honolulu, 96822

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Zachary Kruk Honolulu, 96822

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Lindy Martin Kailua, 96734

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McKenzie Johnson Koloa, 96756

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Larisa Marinas Hauula, 96717

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Jennifer McGinnis Honolulu, 96825

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Michelle Tomas Kailua Kona, 96745

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Christopher Stevens Waipahu, 96797

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Marissa Baptista Honolulu, 96818

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Thank you,

Serge Magloire MILILANI, 96789

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Alyssa Lloyd Kaneohe, 96744

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Thank you,

deborah Boltz Kaneohe, 96744

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Delphine Homerowski Kailua, 96734

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Janie Bryan Honolulu, 96816

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Jenny Rasmussen Kailua Kona, 96740

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Ryan Berg Wailuku, 96793

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Camryn Leddy Honolulu, 96826

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Lara O'Connor Honolulu, 96815

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Jane Hong Honolulu, 96814

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William Cote Haiku, 96708

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Thank you,

Paige Senerius Ewa beach, 96706

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Thomas Bonar Kekaha, 96752

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Cynthia Mckean Captain Cook, 96704

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Heather Cutts Honolulu, 96825

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Cameron Frithsen Honolulu, 96822

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Madison Byrum Honolulu, 96818

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Maricela Huerta Kihei, 96753

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Jasmine Beavins Naalehu, 96772

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Griffith Stecyk Honolulu, 96814

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Joy Vogelgesang Kailua Kona, 96740

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Deborah Nehmad Honolulu, 96825

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Thank you,

Ava Antonio Honolulu, 96813

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Thank you,

Kristina Steuer Kailua Kona, 96740

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Rachel Logan Honolulu, 96825

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Suher Rasid Kihei, 96753

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Christopher Sellman Honolulu, 96816

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Buffy Whiteman Mililani, 96789

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Kelley Sutherland Pahoa, 96778

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GAYE CHAN Kaneohe, 96744

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Marilyn Lopes Makawao, 96768

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Isabella McRae Honolulu, 96819

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Dani McBride Kauai, 96756

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Shaye Jackson Kilauea, 96754

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Nicole Buckingham Ka,Äôa,Äôawa, 96730

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Joanna Staniszewski Holualoa, 96740

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Alexis Reid Kapolei, 96707

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PATRICIA Mullen Captain Cook, 96704

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Ami Stepanian Kailua, 96734

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Erin Smith Honolulu, 96825

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Ana Hernandez Ewa Beach, 96706

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Monica Shook Kaneohe, 96744

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JenMeryll Lobaton Aiea, 96701

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Allyson Metzger Kailua-Kona, 96740

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Andrea De la torre Kilauea, 96754

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Halley Prestage Lahaina, 96761

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Thank you,

Catherine Tenn Honolulu, 96826

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Thank you,

Lindsey Dugas Honolulu, 96815

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Linda Gill Honolulu, 96825

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Emily Gammon Honolulu, 96818

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Thank you,

Thomas Rau Kaneohe, 96744

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Nita Tomaszzewski Pahoa, 96778

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Thank you,

Kathleen Golden Volcano, 96785

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Thank you,

Ashley Lindquist Koloa, 96756

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Ashley De Coligny Kaneohe, 96744

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Thank you,

Oliver Bordallo Honolulu, 96822

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Thank you,

Elizabeth Arch Kailua, 96734

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Susan Palmore Honolulu, 96822

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Pamela Welch Makawao, 96768

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Paul Soluri Honolulu, 96821

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Tia Pearson Wahiawa, 96786

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Shannon Packer Laie, 96762

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ERVIN PIGAO Kahului, 96732

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Kellianne Cadavona Eleele, 96705

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Nancy S. S. Young Honolulu, 96819

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Kate Keilman Kailua, 96734

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Darcy Bartoletti Kapaa, 96746

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Fredrick Sands Wailuku, 96793

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Kaitlyn Lay Kapolei, 96707

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Juana A Tabali-Weir Honolulu, 96825
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Maureen Whittemore Kaunakakai, 96748

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Alexandra Martella Kihei, 96753

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Kristen Lau-Grover Honolulu, 96816

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Sara Wood Kailua, 96734

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Virginia Branco Hilo, 96720

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Miriam Kotubetey Kaneohe, 96744

I'm writing to ask you to support **SB 1230.** Hawai'i's strong gun laws have kept gun violence low, but now that the Supreme Court has forced Hawai'i to grant more concealed carry permits, we need you to act.

People should not be eligible to carry a gun if they've had a recent history of violence or threatening behavior, and we need to require that anyone with a permit gets training on how to safely use their gun.

If more people will be allowed to carry guns in Hawaii, we need to have clear rules about where guns are off-limits. Guns don't belong at playgrounds, parks, or schools, but without this bill, anyone who gets a concealed carry permit can bring hidden guns into those places. I don't want to wonder whether someone is carrying a gun every time I go to a restaurant, store, or even my doctor's office. When I take my family to the beach, a park, or playground, I want to feel as safe as I used to, and the idea that concealed guns could be in these places makes me feel less safe.

Please support SB 1230.

Thank you,

Constance Pappas Kilauea, 96754

I'm writing to ask you to support **SB 1230.** Hawai'i's strong gun laws have kept gun violence low, but now that the Supreme Court has forced Hawai'i to grant more concealed carry permits, we need you to act.

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Please support SB 1230.

Thank you,

Natalie Aurio Mililani, 96789

I'm writing to ask you to support **SB 1230.** Hawai'i's strong gun laws have kept gun violence low, but now that the Supreme Court has forced Hawai'i to grant more concealed carry permits, we need you to act.

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Please support SB 1230.

Thank you,

Cecily Kimura Kamuela, 96743

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Please support SB 1230.

Thank you,

Lauren Rolland Waialua, 96791

I'm writing to ask you to support **SB 1230.** Hawai'i's strong gun laws have kept gun violence low, but now that the Supreme Court has forced Hawai'i to grant more concealed carry permits, we need you to act.

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Please support SB 1230.

Thank you,

Diane MendiolaGoya Mililani, 96789

I'm writing to ask you to support **SB 1230.** Hawai'i's strong gun laws have kept gun violence low, but now that the Supreme Court has forced Hawai'i to grant more concealed carry permits, we need you to act.

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Please support SB 1230.

Thank you,

Stacey Morimoto Honolulu, 96816

I'm writing to ask you to support **SB 1230.** Hawai'i's strong gun laws have kept gun violence low, but now that the Supreme Court has forced Hawai'i to grant more concealed carry permits, we need you to act.

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Please support SB 1230.

Thank you,

Megan Loomis Powers Haiku, 96708

I'm writing to ask you to support **SB 1230.** Hawai'i's strong gun laws have kept gun violence low, but now that the Supreme Court has forced Hawai'i to grant more concealed carry permits, we need you to act.

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Please support SB 1230.

Thank you,

Emily Meng Honolulu, 96822

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Please support SB 1230.

Thank you,

Martha Harkey Kilauea, 96754

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Please support SB 1230.

Thank you,

Jess Ellis Kamuela, 96743

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Please support SB 1230.

Thank you,

Danielle DiMare Honolulu, 96816

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Please support SB 1230.

Thank you,

James Cooley Kekaha, 96752

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Please support SB 1230.

Thank you,

Jeanne Schultz Afuvai Kailua, 96734

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Please support SB 1230.

Thank you,

Janis Smith Kailua Kona, 96745

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Please support SB 1230.

Thank you,

Corina Scoggins Kalaheo, 96741

I'm writing to ask you to support **SB 1230.** Hawai'i's strong gun laws have kept gun violence low, but now that the Supreme Court has forced Hawai'i to grant more concealed carry permits, we need you to act.

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Please support SB 1230.

Thank you,

Jacqui Skill Lahaina, 96761

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Please support SB 1230.

Thank you,

Sam Colin Honolulu, 96817

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Please support SB 1230.

Thank you,

Vicky Robbins Pahoa, 96778



Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

- To: Representative Tarnas, Chair Representative Takayama, Vice Chair House Committee on Judiciary & Hawaiian Affairs
- Re: SB1230, relating to firearms 2:00 p.m., Mar. 21, 2023

Aloha Chair Tarnas, Vice Chair Takayama and committee members,

On behalf of Hawai'i Children's Action Network (HCAN) Speaks!, mahalo for the opportunity to testify in STRONG SUPPORT of Senate Bill 1230, relating to firearms.

It is estimated that **nationally 7 children per day died from firearms in 2021**.¹ Communities of color face this crisis even more acutely. Children and youth from black, brown and indigenous communities have died from firearms at a rate greater than their white counterparts.²

Gun violence's harm is pervasive. Every day children and youth witness gun violence in their communities and homes. Exposure to violence can have significant impacts on young children. When children witness gun violence, and violence in general, it impacts children's mental and physical well-being. We cannot overstate how much more acute this response is for our youngest keiki. Even when young children were less likely to witness gun violence, they were "more likely to feel high fear, sadness and upset when they did."³

SB1230 is critical for our children to be safe, healthy and thriving. In particular, we appreciate that the definition for "sensitive location" includes "Child care facilities, as defined in section 346-151" as well as "zoos, playgrounds, museums, libraries, recreation centers" operated by a government entity. We want to be sure children can be and feel most safe in the places they go to grow, learn and be nurtured. Please support SB1230.

Mahalo, Keʻōpū Reelitz Director of Early Learning and Health Policy

¹ Panchal, Nirmita, <u>The Impact of Gun Violence on Children and Adolescents</u>, Kaiser Family Foundation. ² Id.

³ Mitchell, K., Jones, L., Turner, H., Beseler, C., Hamby, S. & Wade Jr., R, "Understanding the Impact of Seeing Gun Violence and Hearing Gunshots in Public Places: Findings from the Youth Firearm Risk and Safety Study," *Journal of Interpersonal Violence 1-17*, 10. <u>https://www.unh.edu/ccrc/sites/default/files/media/2022-03/understanding-the-impact-of-seeing-gun-violence-and-hearing-gunshots-in-public-places-findings-from-the-youth-firearm-risk-andsafety-study.pdf</u>

Submitted on: 3/20/2023 10:59:20 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Erin Henderschedt	Moms Demand Action	Support	Written Testimony Only

Comments:

Please vote to pass the bill to lay out guidelines as to where and when firearms may be carried. We need to keep public spaces safe from gun violence. Firearms have their place, but we need to prevent tragedies by restricting where people can carry them. We don't want a shooting to hurt or kill any innocent people and do not want to harm the tourism industry in our beautiful state.

Submitted on: 3/20/2023 12:20:07 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
April Ching	Moms Demand Action Hawaii	Support	Written Testimony Only

Comments:

Thank you for hearing this bill to protect our communities.

As a citizen and mother of two watching the numerous mass shootings take place over the past few weeks has been extremely challenging. These shootings take place in public spaces where many people have been killed. I do not want an increase in public danger for Hawaii, my home. Weapons have no place in public spaces and must be carefully regulated. Our theaters, parks, churches, hospitals, libraries, sidewalks, stores, beaches, schools, and homes are not war zones or spaces where weapons are needed for self-defense, but are instead spaces for living together as a community. Please protect all of us by regulating permits and weapons in public spaces. I ask you to take action to protect life. Protect our public spaces.

April

Submitted on: 3/20/2023 12:48:18 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia Mckean	Moms Demand Hawaii	Support	Written Testimony Only

Comments:

The State of Hawaii has before it the opportunity to be an international example of how American government can be on the side of humanity, children, families and a peaceful future. We are done with the lack of sensibility, ignorance, greed and clear disregard for our safety. Hawaii can lead the change our country so desperately needs. Your vote will reveal your commitment to true peace and true aloha. Represent pono. Show some courage.

Mahalo,

Cynthia

Submitted on: 3/20/2023 5:00:46 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vanessa Ruderman	Moms Demand Action	Support	Written Testimony Only

Comments:

My name is Vanessa Ruderman, and I live in Kamuela. Thank you for hearing my testimony in support of SB 1230.

Hawai'i, which has been a state with strong gun legislation, needs to act to uphold the protection we were previously ensured. The issue of who is eligible to obtain a permit to conceal carry needs to be carefully evaluated to ensure that Hawai'i, at all times, has the public's safety in mind.

Too often we are stirred up, agitated, or angered, only to find that we need to take time to calm down. Too often we have intense parents and coaches at sporting events. We need to clearly define what our safe places are so that we can frequent schools, parks, hospitals, and churches without worrying about confronting an agitated person with a concealed gun. Our highly trained military has strict rules for gun ownership and storage on bases. We, too, need strong rules for concealed gun permits and gun storage.

The heart of the matter is that gun violence strikes the core of every parent who has read about gun violence shootings from Columbine to Uvalde. As a parent, my role is to protect my children, not from the minor incidents and accidents that are involved with growing up but to keep them alive and safe from guns. To the parents of children killed by gun violence, they have not failed. Rather, we have failed them.

Please help protect the keiki within our state by passing SB 1230.

Submitted on: 3/21/2023 7:18:08 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Gomes	Moms Demand Action for Gun Sense/Hawaii Chapter	Support	Written Testimony Only

Comments:

I am a resident of Oahu. As both a parent and an educator, I have become very concerned about keeping our Hawaii Nei one of the safest states in the country. Please support this bill so we have clear boundaries state-wide. Guns surely do not belong at playgrounds, parks, or schools, but without this bill, anyone who gets a concealed carry permit can bring hidden guns into those places.

Additionally, guns and alcohol should never mix. This bill will make it clear that people carrying guns in public cannot bring their guns to bars or restaurants serving alcohol.

Thank you VERY much for your careful consideration of this important bill.



March 21, 2023

Aloha, Chair, Vice Chair and Members of the Committee:

My name is Erica Yamauchi, and I live and work in the Kaimukī area. As a gun violence survivor, business owner, mother of two children in public schools, and adjunct faculty member at the University of Hawai'i, **I'm writing today in strong support of Senate Bill 1230**.

I don't want to wonder whether someone is carrying a gun when they come into our family's business, every time I go into a boutique or restaurant on Wai'alae Avenue, or when we take our children to the beach. The idea that concealed guns could be in these places makes me feel less safe in our community.

Our low incidence of gun violence here in the islands hasn't been by accident.

Here in Hawai'i, we had a strong law in place to make sure people weren't carrying firearms in public unless they had a specific need to do so. Our state law used to require that people had to prove they had an "exceptional" reason to fear injury to themselves or their property before they could get a license to carry a gun in public. Because of this state law, we haven't had guns in public places – which means we've had far lower risk of tense situations escalating into gunfire and fewer risks of guns being used for intimidation, or accidentally being fired, in public spaces.

When the Supreme Court struck down a New York law that was like Hawai'i's law, we no longer have that protective measure in place, and unfortunately, we can expect to see more guns in more places very soon.

The Supreme Court's Bruen decision opened up the floodgates for the possibility that more people will be carrying more guns all around Hawai'i. Hawai'i urgently needs to address this risk by passing a new laws that set clear requirements on *who* is, and is not, qualified to carry a gun in public; *how* our county chiefs of police can vet people applying to carry a gun in public; and *where* people who get permits to carry guns in public can and can't bring those guns.

For example, we need to make sure we don't let people carry guns in public if they've had a recent history of violent and/or threatening behavior, or have been recently cited for being reckless with firearms.

We need to require that people carrying guns in public must have been trained on the specific types of issues that come up when carrying a gun outside the home. This should include how to store their guns safely in cars so more stolen guns don't end up on the street, where they can and can't carry their guns, and when they can and can't legally use lethal force in self-defense.

We need to make sure law enforcement has the right information and authority to identify and deny public carry permits to people who pose a heightened public safety risk.

People applying for carry permits should be carefully evaluated based on objective criteria to ensure fairness and uniformity in the process. With more people now eligible to get permits to carry guns in public, we need to set clear boundaries on where they can and can't bring those guns.

Guns don't belong at playgrounds, parks nor schools, but without this bill, anyone who gets a concealed carry permit can currently bring hidden guns into those places.

Furthermore, it's common sense that guns and alcohol should never mix. This bill will make it clear that people carrying guns in public cannot bring their guns to bars or restaurants serving alcohol.

Thank you for the opportunity to testify.

vica yananchi

Erica Yamauchi Statewide Co-Lead, Hawaiʻi Chapter

Submitted on: 3/20/2023 11:04:16 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tiffany Dame	Citizens' Caucus	Comments	Written Testimony Only

Comments:

Many of our members are condominiums residents and want to feel safe in our homes, thus we urge the Committee to amend this bill to add protections to condo residents by including the common elements of condo to the definition of "sensitive areas" or allow condo AOAOs to adopt rules regulating the carrying of weapons, concealed or otherwise, on the common elements. At the very least, the right to carry weapons on the common elements should be limited to ingress or egress to the resident's units, using the most direct path, with no loitering.

Mahalo,

TD







Dear Chair Tarnas, Vice Chair Takayama and Members of the Committee:

On behalf of Everytown for Gun Safety, and Hawai'i Chapters of Moms Demand Action and Students Demand Action, we're writing in strong support of SB 1230. SB 1230 will strengthen Hawai'i's concealed carry license system in a number of key ways in response to the U.S. Supreme Court's <u>New</u> <u>York State Rifle and Pistol Association v. Bruen</u> decision. It will ensure that licenses to carry a loaded gun in public are not granted to people who are determined to be a danger to self or others based on a thorough background check and will prohibit guns from sensitive areas where they don't belong. It will also improve training requirements for concealed carry to ensure license-holders can properly handle, store, and transport a firearm, and know where guns are not allowed.

We suggest some small technical changes to make the bill even stronger and are including a redline version of the bill in this submission:

- **134-A Sensitive locations definition (13):** We recommend removing the "buffer zone" of 1000 feet around public gatherings and events, while retaining the inclusion of adjacent sidewalks and streets as a sensitive location.
- **134-B:** We recommend a small adjustment to account for the fact that racial demographic information may not be available to the AG for reporting.
- Section 134-1: We recommend removing certain citations to specific offenses in the new definition for "crime of violence" that was amended into this bill. We encourage the committee to consider this section carefully, in light of the fact that the expanded "crime of violence" definition in HRS 134-1 impacts the scope of possession prohibitors due to the use of the term "crime of violence" in HRS 134-7. (Please note that we do, however, recommend retaining the citations to specific offenses as disqualifiers for *licenses to carry a firearm in public* in HRS 134-9.)
- Section 134-2(e): We recommend including a stage of appeal that includes court review rather than the chief of police (who is, presumably, the decisionmaker on the decision being challenged).
- Section 134-7(b): We recommend removing the "sale or distribution of any drug" from the list of offenses which become firearm possession prohibitors.
- Section 134-13(b): We made a small edit to the language about permit revocation procedures to correct an ambiguity about the status of the permit during the period of time while a person may appeal the revocation decision.
- Section 134-A(7) and (19): We support the Hawai'i State Coalition Against Domestic Violence's suggested amendment submitted in their written testimony to prohibit guns in any programmatic facilities that serve domestic violence victims, in addition to DV shelters and residential facilities.
- Finally, it appears the effective date in Section 16 may still require updating.

Thank you for advancing this bill, and we urge your support.

Sincerely,

Krystal LoPilato Policy Counsel Everytown for Gun Safety, Moms Demand Action & Students Demand Action 450 Lexington Ave. New York, NY 10163 <u>ssumadi@everytown.org</u>

THE SENATE THIRTY-SECOND LEGISLATURE, 2023 STATE OF HAWAII

S.B. NO. 1230 S.D. 2

A BILL FOR AN ACT

RELATING TO FIREARMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that, pursuant to article IX, sections 1 and 10, of the Constitution of the State of Hawai'i, the State is obligated to protect the health and safety of the public. There are compelling interests in protecting public health, safety, and welfare from the serious hazards associated with firearms and gun violence. Although the United States Supreme Court has held that the Second Amendment provides for an individual right to keep and bear arms for lawful purposes, the Second Amendment is not a regulatory straightjacket. States retain authority to enact a variety of gun regulations, such as prohibiting the carrying of firearms in sensitive locations and adopting laws and regulations designed to ensure that those who carry firearms are law—abiding, responsible citizens.

The legislature further finds that Hawai'i's firearms laws are an important reason that Hawai'i leads the nation in preventing incidents of gun violence. Nationwide, more than thirty thousand gun violence-related deaths occur per year. In Hawai'i, there are fewer than fifty gun violence-

related deaths per year, and these deaths occur at a rate of fewer than five gun deaths for every one hundred thousand people. Hawai'i has cumulatively ranked number one as the state with the lowest number of deaths, and lowest rate of deaths, from gun violence. According to annual statistics from the Centers for Disease Control and Prevention, Hawai'i had the lowest number of deaths and lowest death rate attributed to gun violence in 2020. In 2019, Hawai'i had the second lowest number of deaths and the fourth lowest death rate. In 2018, Hawai'i had the second fewest deaths and third lowest death rate; in 2017, the fewest deaths and lowest death rate; in 2016, the second fewest deaths and fourth lowest death rate; in 2015, the second fewest deaths and second lowest death rate; and in 2014, the second fewest deaths and lowest death rate.

The legislature recognizes that, in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022), the United States Supreme Court held that the public carrying of firearms "could be prohibited consistent with the Second Amendment" in "sensitive places". Many states and federal agencies have historically enacted location-based restrictions on the carrying of firearms in or on such places as school grounds, legislative buildings, polling places, courthouses, places of worship, college and university campuses, bars and restaurants that serve alcohol, and other spaces for public or social gathering. The legislature observes that restrictions on public carrying of firearms in Hawai'i have existed for many years. For example, a law enacted on May 25, 1852, "An Act to Prevent the Carrying of Deadly Weapons" (1852 Haw. Sess. Laws 19), declared that "the habit of carrying deadly weapons is dangerous to life and the public peace".

Accordingly, this Act, grounded in the State's historical restrictions and principles, restricts firearms from areas in which public health and safety demand protection. These areas include any private property or business in which firearms are not usually allowed (and usually not expected), unless the property owner has the authority and expressly consents to an individual's carry of a firearm.

The legislature notes that this Act's location-based restrictions do not negate or diminish other laws regulating firearms, including laws that prohibit the possession of a firearm without a permit to acquire a firearm, laws that prohibit carrying a firearm without a license to carry, and laws that require firearm registration.

The legislature further finds that data support location-based restrictions on the carrying of firearms. When other cities and states changed their laws to allow the concealed carrying of firearms, or loosened restrictions on the carrying of firearms, there was a corresponding increase in crimes involving firearms. Michael Siegel and other researchers from the Boston University School of Public Health compared homicide rates over a twenty-five-year period, from 1991 to 2015. Their findings, published in 2017 in the American Journal of Public Health as *Easiness of Legal access to Concealed Firearm Permits and Homicide Rates in the United States* (107:12, 1923-29, DOI: https://doi.org/10.2105/AJPH.2017.304057), concluded that "shall-issue" laws, which require concealed carry permits to be issued if the permit criteria are met, are associated with significantly higher rates of total, firearm-related, and handgun-related homicide: 6.5 per cent higher total homicide rates, 8.6 per cent higher firearm-related homicide rates, and 10.6 per cent higher handgun-specific homicide rates, when compared with states having "may-issue" laws, which grant authorities discretion on whether to issue carrying permits. Similarly, Emma
Fridel, a Florida State University College of Criminology and Criminal Justice professor, examined the impact of household gun ownership and concealed carry legislation on firearm-related homicides and mass shootings in the United States from 1991 to 2016. The professor, whose findings were published in 2021 in Justice Quarterly as *Comparing the Impact of Household Gun Ownership and Concealed Carry Legislation on the Frequency of Mass Shootings and Firearms Homicide* (38:5, 892-915, DOI:

httdoi.org/10.1080/07418825.2020.1789693), found that states with "shall-issue" laws and states that do not require a permit to carry a firearm have overall firearm homicide rates that are 10.8 per cent higher than states with "may-issue" laws. A team of researchers lead by John Donohue found that "shall-issue" laws were associated with increased rates of violence in forty-seven major United States cities, including a twenty-nine per cent overall increase in firearm violent crimes, a thirty-two per cent increase in firearm-related robberies, and a thirty-five per cent increase in gun thefts. The team, in *More Guns, More Unintended Consequences: The Effects of Right-to-Carry on Criminal Behavior and Policing in US Cities*, a June 2022 working paper published by the National Bureau of Economic Research (available at:

https:www.nber.org/papers/w30190), concluded: "Any crime-inhibiting benefits from increased gun carrying are swamped by the crime-stimulating impacts". Still other researchers, led by Mitchell L. Doucette, also found an association of "shall-issue" laws with increased violence. Their manuscript, entitled *Impact of Changes to Concealed Carry Weapons Laws on Fatal and Nonfatal Violent Crime*, 1980-2019 (kwac160,DOI:

https:doi.org/10.1093/aje/kwac160), and published in 2022 by the American Journal of Epidemiology, concluded that those laws led to a 9.5 per cent increase in the rate of firearm assaults.

Accordingly, the purpose of this Act is to clarify, revise, and reframe Hawai'i's firearms laws to mitigate the serious hazards to public health, safety, and welfare associated with firearms and gun violence, while respecting and protecting the lawful exercise of individual rights.

SECTION 2. Chapter 134, Hawaii Revised Statutes, is amended by adding five new sections to be appropriately designated and to read as follows:

"<u>§134-A</u> Prohibition against carrying a firearm in a sensitive location; prohibition against carrying a firearm on the private property of another person without authorization; penalty. (a) Subject to the exceptions stated in subsections (b) through (e), a person granted a license to carry a concealed firearm under section 134-9, or in accordance with title 18 United States Code section 926B or 926C, shall not intentionally, knowingly, or recklessly carry a firearm:

- (1) In a sensitive location; or
- (2) On the private property of another person without authorization.
- (b) Subsection (a) shall not apply to the following individuals:
- (1) Persons exempted from section 134-9 under section 134-11; and

(2) Detectives, private detectives, investigators, or guards as defined in section 463-1; provided that the detective, private detective, investigator, or guard is expressly authorized by the county chief of police to carry a firearm in a particular sensitive location while on duty in that sensitive location or is expressly authorized to carry or possess a weapon in a location defined in subsection (i) by the owner, lessee, operator, or manager of that location or premise and is acting within that person's scope of employment.

(c) Notwithstanding subsection (a), a person carrying a firearm pursuant to a license issued under section 134-9, or in accordance with title 18 United States Code section 926B or 926C, may:

(1) Transport a concealed firearm within the person's vehicle or in a location specified in paragraphs (14) or (15) of the definition of "sensitive location" in subsection (i); provided that the firearm is unloaded and in a locked container;

(2) Transport a concealed firearm within a vehicle into or out of a parking area in a location covered under subsection (a); provided that the firearm is secured in a locked container; and

(3) Transport a concealed firearm in the immediate area surrounding their vehicle within a prohibited parking lot area only for the purpose of storing or retrieving a firearm within a locked container in the vehicle's trunk or other place inside the vehicle that is out of plain view.

(d) Except in the locations specified in paragraphs (1) and (2) of the definition of "sensitive location" in subsection (i), a person shall not be in violation of this section while traveling along a public right-of-way that touches or crosses any of the locations identified in subsection (i) if the concealed firearm is carried on their person or is being transported in a vehicle by the licensee in accordance with all other applicable laws; provided that nothing in this exception shall allow a licensee to loiter or remain in such sensitive location longer than necessary to complete their travel.

(e) This section shall not apply to a licensee who must walk through a public gathering or special event in order to access their residence, place of business, or vehicle while the licensee is in the act of walking through the gathering or event to access their residence, place of business, or vehicle; provided that nothing in this exception shall allow a licensee to loiter or remain in a place identified in this subsection longer than necessary to complete their travel.

(f) The applicability of the exceptions stated in subsections (b) through (e) shall constitute defenses on which a defendant bears an initial burden of production.

(g) Nothing in this section shall prohibit the carrying of a firearm where it is otherwise expressly authorized by state law.

(h) Any person violating subsection (a) shall be guilty of a misdemeanor, and shall also be subject to revocation of their license to carry a firearm under section 134-13, and disqualified from renewing their license to carry a firearm under section 134-9.

(i) For the purposes of this section:

<u>"Private property of another person without authorization" means residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased, unless:</u>

(1) The owner, lessee, operator, or manager of the property has provided express authorization to carry a firearm on the property or premises to the person carrying a concealed firearm pursuant to a license issued under section 134-9 or in accordance with title 18, United State Code section 926B or 926C;

(2) The owner, lessee, operator, or manager of the property clearly and conspicuously posts a sign at the entrance of the building or on the premises indicating that carrying firearms is authorized on that property or premises; or

(3) The person carrying a concealed firearm pursuant to a license issued under section 134-9 or in accordance with title 18, United States Code section 926B or 926C is an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property.

"Sensitive location" means the following, including adjacent areas and parking areas:

(1) A school as defined in section 302A-901 and any school bus;

(2) A public or private college or university, including but not limited to buildings, classrooms, laboratories, artistic venues, research facilities, athletic fields or venues;

(3) A child care facility as defined in section 346-151;

(4) <u>A nursery school, preschool, day care center, or summer camp;</u>

(5) A public park or recreational ground as defined in section 708-814.5, but not including an authorized target range or shooting complex;

(6) A playground, library, museum, carnival, aquarium, zoo, or recreation center;

(7) A shelter, or residential facility, or non-residential facility providing programmatic services to unhoused persons or victims of domestic violence; operated by a government entity or a charitable organization serving children or adults, including but not limited to unhoused children or adults and children involved in the juvenile justice system;

(8) A bar, restaurant, or establishment issued a license for on-premise consumption of liquor pursuant to sections 281-31 and 281-32.5;

(9) <u>A building or office owned, leased, or used by the State or a county, including but not limited to any portion of a building or office used for legislative business, contested case hearings, agency rulemaking, or other activities of state or county government;</u>

(10) A courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions;

(11) A voter service center, place of deposit, or appurtenance to a voter service center or place of deposit, including any area designated for voters waiting to vote, routes of access, and any other areas specified in section 11-132 and any area within a two hundred foot radius from the perimeter of those locations as follows:

- (A) As applied to voter service centers and their appurtenances, all operating hours, as set forth in section 11-109; and
- (B) As applied to places of deposit and their appurtenances, all times at which the place of deposit is accessible to the public;

(12) A vote counting center or a place where ballots are stored;

(13) A public gathering, public assembly, or special event conducted on property open to the public, including but not limited to a demonstration, march, rally, vigil, protest, or picketing event, that requires the issuance of a permit from a federal, state, or local government and the sidewalk or street immediately adjacent to the public gathering or special event and within one thousand feet from the event or gathering; provided that there are signs clearly and conspicuously posted at visible places along the perimeter of the gathering or event;

(14) <u>A place, conveyance, or vehicle used for public transportation or public transit, including but not limited to:</u>

- (A) Buses and paratransit vans;
- (B) Train cars;
- (C) Ferries;
- (D) Railroad; and
- (E) Marine or aviation transportation;

(15) <u>A facility used for or in connection with service in the transportation of passengers, including but not limited to:</u>

- (A) Airports;
- (B) Bus shelters and terminals;
- (C) Train stations;
- (D) Rail stations; and
- (E) Harbors;

(16) A stadium, arena, theater, performance venue, or amusement park, or any place at which a professional, collegiate, high school, amateur, or student sporting event is being held;

(17) <u>A public or private hospital or hospital affiliate, mental health facility, nursing home,</u> <u>clinic, medical office, urgent care facility, or other place at which medical services are</u> <u>customarily provided; and</u>

(18) A financial institution as defined in section 211D-1; and

(19) Any shelter or residential facility serving children involved in the juvenile justice system or the child welfare system, any facility providing programmatic services to children involved in the juvenile justice system or the child welfare system, and any adjacent parking areas to such shelter or facility.

<u>§134-B</u> <u>Annual report on licenses to carry.</u> (a) By April 1, 2024, and each year thereafter, the attorney general shall publish a report on its publicly available website detailing:

(1) The number of licenses to carry applied for, issued, revoked, and denied, and further categorized by the age, sex, race (if known), and county of residence of the applicant or license holder;

(2) The specific reasons for each revocation and denial;

(3) Analysis of denials under section 134-9(b)(2) and recommendations to remedy any disparities in denial rates by age, sex, or race (if known);

(4) The number of appeals and appeals granted; and

(5) The number of violations of sensitive location restrictions.

(b) The chief of police of each county shall supply the attorney general with the data the attorney general requires to complete the report under subsection (a) for the prior year by February 1 of each year.

<u>§134-C</u> <u>Mandatory insurance coverage.</u> (a) Effective one year after the insurance commissioner makes a formal determination that suitable policies are commercially available, all persons applying for a new or renewed license to carry a firearm under section 134-9 shall maintain insurance coverage insuring against loss resulting from liability imposed by law for bodily injury, death, or property damage sustained by any person arising out of the ownership, maintenance, operation, storage, or use of a firearm carried in public. Liability coverage shall be not less than \$100,000 per person, with an aggregate limit of not less than \$300,000 per occurrence.

(b) Proof of insurance as required pursuant to subsection (a) shall, upon request, be produced by the person carrying a firearm in public within a reasonable amount of time following any injury, death, or property damage alleged to have been caused by the person carrying the firearm in public. This requirement shall be satisfied by delivering a full and complete copy of the applicable policy or policies of insurance that meet the standards established by subsection (a) and that were in force at the time of the injury, death, or property damage. Disclosure of policy information under this subsection shall not constitute an admission that the alleged injury, death, or property damage is subject to the policy.

§134-D Duty to maintain possession of license while carrying a firearm; duty to disclose; penalty. (a) A person carrying a firearm pursuant to a license issued under section 134-9, or in accordance with title 18 United States Code section 926B or 926C, shall have in the person's immediate possession:

(1) The license issued under section 134-9 or credentials as required under title 18 United States Code section 926B or 926C; and

(2) Documentary evidence that the firearm being carried is registered under this chapter, and shall, upon request from a law enforcement officer, present the license or credentials and evidence of registration.

(b) When a person carrying a firearm, including but not limited to a person carrying a firearm pursuant to a license issued under section 134-9 or in accordance with title 18 United States Code section 926B or 926C, is stopped by a law enforcement officer or is a driver or passenger in a vehicle stopped by a law enforcement officer, the person carrying a firearm shall immediately disclose to the law enforcement officer that the person is carrying a firearm, and shall, upon request:

(1) Identify the specific location of the firearm; and

(2) Present to the law enforcement officer a license to carry a firearm issued under section 134-9 or credentials as required under title 18 United States Code section 926B or 926C.

(c) Any person who intentionally, knowingly, or recklessly violates this section shall be guilty of a petty misdemeanor.

<u>§134-E</u> <u>Authority of counties.</u> Nothing in this chapter shall be construed to affect the authority of any county to impose requirements relating to firearms that exceed the statewide provisions established in this chapter, including but not limited to prohibitions against carrying or possessing a firearm in additional locations or premises within that county."

SECTION 3. Section 134-1, Hawaii Revised Statutes, is amended as follows:

1. By adding three new definitions to be appropriately inserted and to read:

"<u>"Concealed" means, in relation to a firearm, that the firearm is entirely hidden from view of</u> the public and not discernible by ordinary observation, such that a reasonable person without law enforcement training would be unable to detect the presence of a firearm.

<u>"Locked container" means a secure container that is fully enclosed, capable of preventing an</u> <u>unauthorized person from obtaining access to or possession of the firearm contained therein, and</u> <u>locked by a padlock, keylock, keypad, combination lock, or similar locking device. The term</u>

"locked container" does not include the trunk or the utility or glove compartment of a motor vehicle.

"Unconcealed" means not concealed."

2. By amending the definition of "crime of violence" to read:

""Crime of violence" means any offense[, as defined in title 37,] under state or federal law, or the law of another state, a United States territory, or the District of Columbia that [involves] has as an element of injury or threat of injury to the person of another[, including] or that has as an element of use, attempted use, or threatened use of physical force against the person or property of another or the creation of a substantial risk of causing bodily injury, and also includes the following offenses: sexual assault in the fourth degree under section 707-733 [and], harassment under section 711-1106, harassment by stalking under section 711-1106.5[-], endangering the welfare of a minor in the second degree under section 709-904, terroristic threatening in the second degree under section 705-510, and conspiracy to commit a crime of violence under section 705-520, and offenses under federal law, or the law of another state, a United States territory, or the District of Columbia, that are comparable to the offense defined or listed above."

SECTION 4. Section 134-2, Hawaii Revised Statutes, is amended by amending subsections (d) and (e) to read as follows:

"(d) The chief of police of the respective counties [may] shall issue permits to acquire firearms to citizens, nationals, or lawful permanent residents of the United States of the age of twenty-one years or more, or duly accredited official representatives of foreign nations, or duly commissioned law enforcement officers of the State who are aliens; provided that any law enforcement officer who is the owner of a firearm and who is an alien shall transfer ownership of the firearm within forty-eight hours after termination of employment from a law enforcement agency. The chief of police of each county [may] shall issue permits to aliens of the age of eighteen years or more for use of rifles and shotguns for a period not exceeding sixty days, upon a showing that the alien has first procured a hunting license under chapter 183D, part II. The chief of police of each county [may] shall issue permits to aliens of the age of twenty-one years or more for use of firearms for a period not exceeding six months, upon a showing that the alien is in training for a specific organized sport-shooting contest to be held within the permit period. The attorney general shall adopt rules, pursuant to chapter 91, as to what constitutes sufficient evidence that an alien is in training for a sport-shooting contest. Notwithstanding any law to the contrary and upon joint application, the chief of police [may] shall issue permits to acquire firearms jointly to spouses who otherwise qualify to obtain permits under this section.

(e) The permit application form shall be signed by the applicant and by the issuing authority. One copy of the permit shall be retained by the issuing authority as a permanent official record. Except for sales to dealers licensed under section 134-31, or dealers licensed by the United States Department of Justice, or law enforcement officers, [or where a license is granted under section 134-9,] or where any firearm is registered pursuant to section 134-3(a), no

permit shall be issued to an applicant earlier than fourteen calendar days after the date of the application; provided that a permit shall be issued or the application denied before the twentieth day from the date of application. Permits issued to acquire any pistol or revolver shall be void unless used within ten days after the date of issue. Permits to acquire a pistol or revolver shall require a separate application and permit for each transaction. Permits issued to acquire any rifle or shotgun shall entitle the permittee to make subsequent purchases of rifles or shotguns for a period of one year from the date of issue without a separate application and permit for each acquisition, subject to the disqualifications under section 134-7 and subject to revocation under section 134-13; provided that if a permittee is arrested for committing a felony or any crime of violence or for the illegal sale or distribution of any drug, the permit shall be impounded and shall be surrendered to the issuing authority. The issuing authority shall perform an inquiry on an applicant by using the International Justice and Public Safety Network, including the United States Immigration and Customs Enforcement query, the National Crime Information Center, and the National Instant Criminal Background Check System, pursuant to section 846-2.7 before any determination to issue a permit or to deny an application is made. The issuing authority shall not issue a permit to acquire the ownership of a firearm to any person where the issuance would not be in the interest of public health, safety, or welfare because the person is found to be lacking the essential character or temperament necessary to be entrusted with a firearm. In determining whether the person lacks the essential character or temperament necessary to be entrusted with a firearm, the issuing authority shall consider whether the person is likely to engage in conduct, other than lawful self-defense, that would pose a danger to self or others, as evidenced by whether the applicant has any history of threats or acts of violence by the applicant directed toward their self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the disqualifying criteria set forth in this subsection, including but not limited to determining whether the applicant has been subject to any recent arrests or criminal charges or has been experiencing any mental health issues such as suicidal ideation or violent impulses, the applicant's use of drugs or alcohol, and any other relevant evidence. The issuing authority shall consider the risks associated with firearms in the home, such as failure to consistently secure a firearm when not in the applicant's immediate control, the initiating or escalating of conflicts with intimate partners, family members, cohabitants, and invited guests such that a firearm is likely to be displayed or discharged other than in lawful self-defense; and shall consider the likelihood an applicant would bring the firearm outside of the home to engage in violence or to carry unlawfully in public. If an application under this section is denied, a person aggrieved by the denial shall be entitled to a hearing before the chief of police of the appropriate county or a designee of the chief of police. A person aggrieved by the denial shall submit a request for a hearing in writing to the chief of police of the appropriate county no later than thirty days following the date of the decision or determination notice. The hearing shall constitute a contested case hearing for purposes of chapter 91. Following the hearing, an aggrieved party shall be entitled to a judicial review proceeding in state circuit court in accordance with section 91-14n appeal before the chief of police of the appropriate county or a designee of the chief of police."

SECTION 5. Section 134-5, Hawaii Revised Statutes, is amended to read as follows:

"§134-5 Possession by licensed hunters and minors; target shooting; game

hunting. (a) Any person of the age of sixteen years, or over or any person under the age of sixteen years while accompanied by an adult, may carry and use any lawfully acquired rifle or shotgun and suitable ammunition while actually engaged in hunting or target shooting or while going to and from the place of hunting or target shooting; provided that the person has procured a hunting license under chapter 183D, part II. A hunting license shall not be required for persons engaged in target shooting.

(b) A permit shall not be required when any lawfully acquired firearm is lent to a person, including a minor, upon a target range or similar facility for purposes of target shooting; provided that the period of the loan does not exceed the time in which the person actually engages in target shooting upon the premises.

(c) A person may carry unconcealed and use a lawfully acquired pistol or revolver while actually engaged in hunting game mammals, if that pistol or revolver and its suitable ammunition are acceptable for hunting by rules adopted pursuant to section 183D-3 and if that person is licensed pursuant to part II of chapter 183D. The pistol or revolver may be transported in an enclosed container[, as defined in section 134-25] in the course of going to and from the place of the hunt, notwithstanding section 134-26.

(d) For purposes of this section, "enclosed container" means a rigidly constructed receptacle, or a commercially manufactured gun case, or the equivalent thereof that completely encloses the firearm."

SECTION 6. Section 134-7, Hawaii Revised Statutes, is amended to read as follows:

"**§134-7 Ownership** [or], possession, or control prohibited, when; penalty. (a) No person who is a fugitive from justice or is a person prohibited from possessing [firearms] <u>a</u> firearm or ammunition under title 18 United States Code section 922 or any other provision of federal law shall own, possess, or control any firearm or ammunition therefor.

(b) No person who [is under indictment for, or has waived indictment for, or has been bound over to the circuit court for,] has one or more pending charges for a felony or, a crime of violence, or an illegal sale or distribution of any drug in a court in this State or elsewhere, or who has been convicted in this State or elsewhere of having committed a felony, [or any] or a crime of violence, or an illegal sale or distribution of any drug shall own, possess, or control any firearm or ammunition therefor.

(c) No person [who:] shall own, possess, or control any firearm or ammunition if:

(1) [Is] <u>The person is</u> or has been under treatment or counseling for addiction to, abuse of, or dependence upon any dangerous, harmful, or detrimental drug, intoxicating compound as defined in section 712-1240, or intoxicating liquor;

(2) [Has] <u>The person has</u> been acquitted of a crime on the grounds of mental disease, disorder, or defect pursuant to section 704-411[;] or <u>any similar provision under federal law, or</u> the law of another state, a United States territory, or the District of Columbia;

(3) [Is] <u>The person is</u> or has been diagnosed [as having a significant behavioral, emotional, or mental disorders as defined by the most current diagnostic manual of the American Psychiatric Association or for treatment for organic brain syndromes;] with or treated for a medical, behavioral, psychological, emotional, or mental condition or disorder that causes or is likely to cause impairment in judgment, perception, or impulse control to an extent that presents an unreasonable risk to public health, safety, or welfare if the person were in possession or control of a firearm or ammunition; or

(4) The person has been adjudged to be an "incapacitated person" within the meaning of section 560:5-102 or has been adjudged to meet the criteria for involuntary hospitalization under section 334-60.2,

[shall own, possess, or control any firearm or ammunition therefor,] unless the person [has been medically documented to be] establishes, with appropriate medical documentation, that the person is no longer adversely affected by the [addiction, abuse, dependence, mental disease, disorder, or defect.] criteria or statuses identified in this subsection.

(d) No person who is less than twenty-five years old and has been adjudicated by the family court to have committed a felony, [two or more crimes] <u>a crime</u> of violence, or an illegal sale <u>or</u> <u>distribution</u> of any drug shall own, possess or control any firearm or ammunition therefor.

(e) No minor [who:] shall own, possess, or control any firearm or ammunition if the minor:

(1) Is or has been under treatment for addiction to any dangerous, harmful, or detrimental drug, intoxicating compound as defined in section 712-1240, or intoxicating liquor;

(2) Is a fugitive from justice; or

(3) Has been determined not to have been responsible for a criminal act or has been committed to any institution on account of a mental disease, disorder, or defect; [shall own, possess, or control any firearm or ammunition therefor,] unless the minor [has been medically documented to be] establishes, with appropriate medical documentation, that the minor is no longer adversely affected by the addiction, mental disease, disorder, or defect.

For the purposes of enforcing this section, and notwithstanding section 571-84 or any other law to the contrary, any agency within the State shall make its records relating to family court adjudications available to law enforcement officials.

(f) No person who has been restrained pursuant to an order of any court, including a gun violence protective order issued pursuant to part IV, from contacting, threatening, or physically abusing any person, shall possess, control, or transfer ownership of any firearm or ammunition therefor, so long as the protective order, restraining order, or any extension is in effect, unless the order, for good cause shown, specifically permits the possession of a firearm and ammunition. The protective order or restraining order shall specifically include a statement that possession, control, or transfer of ownership of a firearm or ammunition by the person named in the order is prohibited. The person shall relinquish possession and control of any firearm and

ammunition owned by that person to the police department of the appropriate county for safekeeping for the duration of the order or extension thereof. At the time of service of a protective order or restraining order involving firearms and ammunition issued by any court, a police officer may take custody of any and all firearms and ammunition in plain sight, those discovered pursuant to a consensual search, and those firearms surrendered by the person restrained. If the person restrained is the registered owner of a firearm and knows the location of the firearm, but refuses to surrender the firearm or refuses to disclose the location of the firearm, the person restrained shall be guilty of a misdemeanor. In any case, when a police officer is unable to locate the firearms and ammunition either registered under this chapter or known to the person granted protection by the court, the police officer shall apply to the court for a search warrant pursuant to chapter 803 for the limited purpose of seizing the firearm and ammunition.

For the purposes of this subsection, good cause shall not be based solely upon the consideration that the person subject to restraint pursuant to an order of any court is required to possess or carry firearms or ammunition during the course of the person's employment. Good cause consideration may include but not be limited to the protection and safety of the person to whom a restraining order is granted.

(g) Any person disqualified from ownership, possession, control, or the right to transfer ownership of firearms and ammunition under this section shall surrender or dispose of all firearms and ammunition in compliance with section 134-7.3.

(h) Any person who otherwise would be prohibited under subsection (b) from owning, possessing, or controlling a firearm and ammunition solely as a result of a conviction for a crime that is not a felony, and who is not prohibited from owning, possessing, or controlling a firearm or ammunition under any other provision of this chapter or under title 18 United States Code section 922 or another provision of federal law, shall not be prohibited under this section from owning, possessing, or controlling a firearm and ammunition if twenty years have elapsed from the date of the conviction.

[(h)] (i) Any person violating subsection (a) or (b) shall be guilty of a class C felony; provided that any felon violating subsection (b) shall be guilty of a class B felony. Any person violating subsection (c), (d), (e), (f), or (g) shall be guilty of a misdemeanor."

SECTION 7. Section 134-9, Hawaii Revised Statutes, is amended to read as follows:

"**\$134-9 Licenses to carry.** (a) [In an exceptional case, when an applicant shows reason to fear injury to the applicant's person or property, the] The chief of police of the appropriate county [may] shall grant a license to an applicant who is a [citizen of the United States of the age of twenty one years or more or to a duly accredited official representative of a foreign nation] resident of the State of the age of twenty-one years or more to carry a pistol or revolver and ammunition therefor concealed on the person within the county where the license is granted[-] upon determination by the chief of police that the applicant meets all the requirements set forth in this section. Where the urgency or the need has been sufficiently indicated, the respective chief of police may grant to an applicant of good moral character who is a citizen of

the United States, a United States national, or a lawful permanent resident of the age of twentyone years or more, is engaged in the protection of life and property, and is not prohibited under section 134-7 from the ownership or possession of a firearm, a license to carry a pistol or revolver and ammunition therefor unconcealed on the person within the county where the license is granted. The chief of police of the appropriate county, or the chief's designated representative, shall perform an inquiry on an applicant by using the National Instant Criminal Background Check System, to include a check of the Immigration and Customs Enforcement databases where the applicant is not a citizen of the United States, before any determination to grant a license is made. Unless renewed, the license shall expire one year from the date of issue.

(b) The chief of police of each county shall adopt procedures to require that any person granted a license to carry a concealed [weapon] pistol or revolver on the person shall:

(1) Be qualified to use the firearm in a safe manner[$\frac{1}{2}$]. To prove an applicant is qualified, applicants shall be required to provide proof of a firearm certification program that satisfies the requirements of section 134-2(g)(2) through (4) no earlier than ninety days prior to submitting an application for an initial license to carry a concealed pistol or revolver on the person, and at intervals to be determined by the chief of police for applications to renew a license to carry a concealed pistol or revolver on the person. An eligible firearm certification program shall include:

 (A) In-person instruction and a written test covering the topics of relevant gun laws, including secure storage practices and location restrictions, use of force and de-escalation, and the risks to self and others of owning firearms; and
(B) Live-fire instruction and demonstration of safe handling of, and shooting proficiency with, each firearm the applicant is applying to be licensed to carry;

(2) [Appear to be] Be a suitable person to [be so licensed;] carry a concealed pistol or revolver in public. In determining whether the person is a suitable person to carry a concealed pistol or revolver in public, the chief of police shall make the required inquiry and investigation set forth in section 134-2(e) and shall also consider the additional risks associated with public carry of a firearm, such as failure to consistently secure a firearm outside the home and protect it from theft or unauthorized access, especially in densely populated settings; conduct or statements, including verbal threats involving a firearm or displaying a firearm, that would have the tendency to threaten or terrorize members of the public; the initiation or escalation of conflicts with others such that a firearm is likely to be displayed or discharged other than in lawful self-defense during interactions in public; and unintentional or reckless discharge of a firearm in public. The attorney general may issue rules or publish guidance regarding the types of conduct that the chief of police may consider when deciding whether the applicant is a suitable person to carry a concealed pistol or revolver in public;

(3) Not be prohibited under section 134-7 from the ownership or possession of a firearm; [and]

(4) Not have one or more pending charges for a felony, a crime of violence, or an illegal sale or distribution of any drug in a court in the State or elsewhere, or have been convicted in the State or elsewhere of having committed in the previous ten years:

- (A) Operating a vehicle under the influence of an intoxicant under section 291E-61;
- (B) Criminally negligent storage of a firearm under section 707-714.5; or
- (C) A firearm offense punishable as a misdemeanor under this chapter; and

[(4)] (5) Not have been adjudged insane or not appear to be mentally deranged. Being a person who does "not appear to be mentally deranged" means that the applicant does not exhibit specific and articulable indicia that would objectively indicate to a reasonable observer that the applicant is not capable of being a reasonable and law-abiding user of firearms. Such specific and articulable indicia may include but are not limited to suicidal ideations; homicidal ideations; or potential dangerousness, including a violent animus towards one or more groups based on race, color, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, age, disability, religion, or other characteristic, such that a reasonable person would conclude that the applicant harbored an intention to use a firearm in public to attack or threaten others, rather than for self defense.

(c) No person shall carry concealed or unconcealed on the person a pistol or revolver without being licensed to do so under this section or in compliance with sections 134-5(c) or 134-25.

(d) The application for license to carry a concealed firearm shall be in the form prescribed by the chief of police of each county and shall include, at a minimum the following features:

(1) The applicant's name; address; sex; height; weight; date of birth; place of birth; country of citizenship; social security number; alien or admission number; any aliases or other names previously used by the applicant; physical description, including any distinguishing physical characteristics of the applicant; current employer; and identifying information for the firearm for which the license is sought;

(2) The text of state laws pertaining to firearm storage in sections 134-10.5, 134-25, and 707-714.5, the text of the locations where firearms are prohibited set forth in section 134-A, the text of section 134-D, and space for an applicant's signature confirming the applicants acknowledgement and understanding of those laws;

(3) A certification of whether the applicant has been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim, or permanent basis, or experienced any mental health condition that could impact risk to public safety, including but not limited to conditions involving suicidal ideations, homicidal ideations, or violent impulses;

(4) Contact information for not less than four reputable persons who are not related by blood or law to the applicant and have known the applicant for at least three years preceding the application date who will serve as personal references for the applicant's license application and who have sufficient knowledge of whether the applicant is a suitable person to carry a concealed pistol or revolver in public, as set forth in subsection (b)(2). The applicant shall also provide names and contact information for the applicant's current spouse, domestic partner, or significant other, if any, and any other adults residing in the applicant's home, including adult children; (5) The applicant shall complete an authorization for release of mental health records, including psychiatric, behavioral health, and substance abuse information. The applicant shall also complete any forms required by the applicant's health care provider or relevant government entity for release of mental health information; and

(6) Any other information the county chief of police, or a designated member of the chief of police's staff, may require from the applicant or any other person as the chief of police reasonably deems necessary to conduct the review of the application, including but not limited to publicly available statements posted or published online by the applicant.

The chief of police in the applicant's county, or a designated member of the chief of police's staff, shall conduct an in-person interview with the applicant and an in-person videoconference, or telephonic interview with individuals identified by the applicant as personal references, and shall make inquiry concerning, and investigate to the extent warranted, whether the applicant meets the qualifications and standards set forth in subsection (b). Individuals whose contact information is provided on the application form may be contacted by the county chief of police, or a designated member of the chief of police's staff, during this inquiry and investigation. The county chief of police, or a designated member of the chief of the chief of police's staff, shall also contact local law enforcement where the applicant resides and works, and any place where the applicant has resided in the previous ten years, if the applicant currently or within the previous ten years has resided or worked in a county other than the one in which a license is being sought.

[(d)] (e) A fee of \$10 shall be charged for each license and shall be deposited in the treasury of the county in which the license is granted.

(f) If an application under this section is denied, a person aggrieved by the denial shall be entitled to a hearing before the chief of police of the appropriate county or a designee of the chief of police. A person aggrieved by the denial shall submit a request for a hearing in writing to the chief of police of the appropriate county no later than thirty days following the date of the decision or determination notice. The hearing shall constitute a contested case hearing for purposes of chapter 91. Following the hearing and final decision, an aggrieved party shall be entitled to an appeal before the chief of police of the appropriate county or a designee of the chief of police. In all cases where a permit application under this section is denied because an applicant is prohibited from owning, possessing, receiving, or controlling firearms under federal or state law, the chief of police of the applicable county shall send written notice as described in section 134-2(j)."

SECTION 8. Section 134-13, Hawaii Revised Statutes, is amended to read as follows:

"**\$134-13 Revocation of permits.** (a) All permits and licenses provided for under this part may be revoked[, for good cause,] by the issuing authority or by the judge of any court[-] <u>if</u>, at any time, the licensee or permit holder no longer meets the qualifications or requirements of the applicable permit or license section under which their permit or license was granted. Licenses to carry concealed firearms shall be revoked if, at any time, either the issuing authority determines or is notified by the judge of any court or a law enforcement agency of any of the following:

(1) A licensee is prohibited by state or federal law from owning or purchasing a firearm;

(2) <u>A licensee becomes ineligible to obtain a license under section 134-9(b);</u>

(3) Any information provided by a licensee in connection with an application for a new license or license renewal is inaccurate or incomplete;

(4) A licensee is no longer a suitable person to hold a license under section 134-9(b)(2); or

(5) A licensee engages in any conduct that would have resulted in the denial of a license.

(b) If the issuing authority determines that a permit or license is subject to revocation, it shall notify the permit or license holder of the determination in writing, stating the grounds for the determination and informing the permit or license holder of the right to seek a hearing before the issuing authority regarding the determination prior to revocation. Unless the permit or license holder submits a request for a hearing in writing to the issuing authority no later than thirty days following the date of the written notice that the permit or license is subject to revocation, Tthe permit or license shall be immediately revoked by the issuing authority. The permit or license holder may submit a request for a hearing in writing to the issuing authority no later than thirty days following the date of the written notice that the permit or license is subject to revocation. Any hearing regarding a determination that a permit or license is subject to revocation shall constitute a contested case hearing for purposes of chapter 91. A person aggrieved by a revocation under this section may appeal to the chief of police of the appropriate county or a designee of the chief of police. If the license or permit is revoked because the licensee or permit holder is prohibited from possessing firearms under section 134-7 or part IV of this chapter, then section 134-7.3 shall govern the process for voluntary surrender and seizure."

SECTION 9. Section 134-18, Hawaii Revised Statutes, is amended to read as follows:

"**\$134-18** Qualified immunity for physicians, psychologists, [ΘF] psychiatrists, physician assistants, or advanced practice registered nurses who provide information on permit <u>or license</u> applicants. There shall be no civil liability for any physician, psychologist, [ΘF] psychiatrist, physician assistant, or advanced practiced registered nurse who provides information or renders an opinion in response to an inquiry made for purposes of issuing a firearm permit under section 134-2, issuing or renewing a license under section 134-9, or [for purposes of] investigating the continuing mental health of the holder of a valid firearm permit <u>or license</u>; provided that the physician, psychologist, [ΘF] psychiatrist, physician assistant, or advanced practiced registered nurse."

SECTION 10. Section 134-25, Hawaii Revised Statutes, is amended to read as follows:

"[[]§134-25[]] Place to keep pistol or revolver; penalty. (a) Except as provided in sections 134-5 and 134-9, all firearms shall be confined to the possessor's place of business, residence, or sojourn; provided that it shall be lawful to carry unloaded firearms in [an enclosed] a locked container from the place of purchase to the purchaser's place of business,

residence, or sojourn, or between these places upon change of place of business, residence, or sojourn, or between these places and the following:

- (1) A place of repair;
- (2) A target range;
- (3) A licensed dealer's place of business;
- (4) An organized, scheduled firearms show or exhibit;
- (5) A place of formal hunter or firearm use training or instruction; or
- (6) A police station.

["Enclosed container" means a rigidly constructed receptacle, or a commercially manufactured gun case, or the equivalent thereof that completely encloses the firearm.]

(b) Any person who carries or possess a pistol or revolver in a vehicle pursuant to section 134-5, pursuant to a license issued under section 134-9, or in accordance with title 18 United States Code section 926B or 926C, shall keep the pistol or revolver in a locked container and place the container out of plain view when leaving the pistol or revolver in a vehicle unattended.

[(b)] (c) Any person violating [this section] subsection (a) by carrying or possessing a loaded or unloaded pistol or revolver shall be guilty of a class B felony.

(d) Any person who intentionally, knowingly, or recklessly violates subsection (b) shall be guilty of a misdemeanor, and shall also be subject to revocation of their license to carry a firearm under section 134-13 and disqualified from renewing their license to carry a firearm issued under section 134-9.

(e) For the purposes of this section, a vehicle is unattended when a person who is lawfully carrying or transporting a firearm in a vehicle is not within close enough proximity to the vehicle to reasonably prevent unauthorized access to the vehicle or its contents."

SECTION 11. Section 846-2.7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Criminal history record checks may be conducted by:

(1) The department of health or its designee on operators of adult foster homes for individuals with developmental disabilities or developmental disabilities domiciliary homes and their employees, as provided by section 321-15.2;

(2) The department of health or its designee on prospective employees, persons seeking to serve as providers, or subcontractors in positions that place them in direct contact with clients

when providing non-witnessed direct mental health or health care services as provided by section 321-171.5;

(3) The department of health or its designee on all applicants for licensure or certification for, operators for, prospective employees, adult volunteers, and all adults, except adults in care, at healthcare facilities as defined in section 321-15.2;

(4) The department of education on employees, prospective employees, and teacher trainees in any public school in positions that necessitate close proximity to children as provided by section 302A-601.5;

(5) The counties on employees and prospective employees who may be in positions that place them in close proximity to children in recreation or child care programs and services;

(6) The county liquor commissions on applicants for liquor licenses as provided by section 281-53.5;

(7) The county liquor commissions on employees and prospective employees involved in liquor administration, law enforcement, and liquor control investigations;

(8) The department of human services on operators and employees of child caring institutions, child placing organizations, and foster boarding homes as provided by section 346-17;

(9) The department of human services on prospective adoptive parents as established under section 346-19.7;

(10) The department of human services or its designee on applicants to operate child care facilities, household members of the applicant, prospective employees of the applicant, and new employees and household members of the provider after registration or licensure as provided by section 346-154, and persons subject to section 346-152.5;

(11) The department of human services on persons exempt pursuant to section 346-152 to be eligible to provide child care and receive child care subsidies as provided by section 346-152.5;

(12) The department of health on operators and employees of home and community-based case management agencies and operators and other adults, except for adults in care, residing in community care foster family homes as provided by section 321-15.2;

(13) The department of human services on staff members of the Hawaii youth correctional facility as provided by section 352-5.5;

(14) The department of human services on employees, prospective employees, and volunteers of contracted providers and subcontractors in positions that place them in close proximity to youth when providing services on behalf of the office or the Hawaii youth correctional facility as provided by section 352D-4.3;

(15) The judiciary on employees and applicants at detention and shelter facilities as provided by section 571-34;

(16) The department of public safety on employees and prospective employees who are directly involved with the treatment and care of persons committed to a correctional facility or who possess police powers including the power of arrest as provided by section 353C-5;

(17) The board of private detectives and guards on applicants for private detective or private guard licensure as provided by section 463-9;

(18) Private schools and designated organizations on employees and prospective employees who may be in positions that necessitate close proximity to children; provided that private schools and designated organizations receive only indications of the states from which the national criminal history record information was provided pursuant to section 302C-1;

(19) The public library system on employees and prospective employees whose positions place them in close proximity to children as provided by section 302A-601.5;

(20) The State or any of its branches, political subdivisions, or agencies on applicants and employees holding a position that has the same type of contact with children, vulnerable adults, or persons committed to a correctional facility as other public employees who hold positions that are authorized by law to require criminal history record checks as a condition of employment as provided by section 78-2.7;

(21) The department of health on licensed adult day care center operators, employees, new employees, subcontracted service providers and their employees, and adult volunteers as provided by section 321-15.2;

(22) The department of human services on purchase of service contracted and subcontracted service providers and their employees serving clients of the adult protective and community services branch, as provided by section 346-97;

(23) The department of human services on foster grandparent program, senior companion program, and respite companion program participants as provided by section 346-97;

(24) The department of human services on contracted and subcontracted service providers and their current and prospective employees that provide home and community-based services under section 1915(c) of the Social Security Act, title 42 United States Code section 1396n(c), or under any other applicable section or sections of the Social Security Act for the purposes of providing home and community-based services, as provided by section 346-97;

(25) The department of commerce and consumer affairs on proposed directors and executive officers of a bank, savings bank, savings and loan association, trust company, and depository financial services loan company as provided by section 412:3-201;

(26) The department of commerce and consumer affairs on proposed directors and executive officers of a nondepository financial services loan company as provided by section 412:3-301;

(27) The department of commerce and consumer affairs on the original chartering applicants and proposed executive officers of a credit union as provided by section 412:10-103;

(28) The department of commerce and consumer affairs on:

- (A) Each principal of every non-corporate applicant for a money transmitter license;
- (B) Each person who upon approval of an application by a corporate applicant for a money transmitter license will be a principal of the licensee; and
- (C) Each person who upon approval of an application requesting approval of a proposed change in control of licensee will be a principal of the licensee,

as provided by sections 489D-9 and 489D-15;

(29) The department of commerce and consumer affairs on applicants for licensure and persons licensed under title 24;

- (30) The Hawaii health systems corporation on:
 - (A) Employees;
 - (B) Applicants seeking employment;
 - (C) Current or prospective members of the corporation board or regional system board; or
 - (D) Current or prospective volunteers, providers, or contractors,

in any of the corporation's health facilities as provided by section 323F-5.5;

(31) The department of commerce and consumer affairs on:

- (A) An applicant for a mortgage loan originator license, or license renewal; and
- (B) Each control person, executive officer, director, general partner, and managing member of an applicant for a mortgage loan originator company license or license renewal,

as provided by chapter 454F;

(32) The state public charter school commission or public charter schools on employees, teacher trainees, prospective employees, and prospective teacher trainees in any public charter school for any position that places them in close proximity to children, as provided in section 302D-33;

(33) The counties on prospective employees who work with children, vulnerable adults, or senior citizens in community-based programs;

(34) The counties on prospective employees for fire department positions that involve contact with children or vulnerable adults;

(35) The counties on prospective employees for emergency medical services positions that involve contact with children or vulnerable adults;

(36) The counties on prospective employees for emergency management positions and community volunteers whose responsibilities involve planning and executing homeland security measures including viewing, handling, and engaging in law enforcement or classified meetings and assisting vulnerable citizens during emergencies or crises;

(37) The State and counties on employees, prospective employees, volunteers, and contractors whose position responsibilities require unescorted access to secured areas and equipment related to a traffic management center;

(38) The State and counties on employees and prospective employees whose positions involve the handling or use of firearms for other than law enforcement purposes;

(39) The State and counties on current and prospective systems analysts and others involved in an agency's information technology operation whose position responsibilities provide them with access to proprietary, confidential, or sensitive information;

(40) The department of commerce and consumer affairs on:

- (A) Applicants for real estate appraiser licensure or certification as provided by chapter 466K;
- (B) Each person who owns more than ten per cent of an appraisal management company who is applying for registration as an appraisal management company, as provided by section 466L-7; and
- (C) Each of the controlling persons of an applicant for registration as an appraisal management company, as provided by section 466L-7;

(41) The department of health or its designee on all license applicants, licensees, employees, contractors, and prospective employees of medical cannabis dispensaries, and individuals permitted to enter and remain in medical cannabis dispensary facilities as provided under sections 329D-15(a)(4) and 329D-16(a)(3);

(42) The department of commerce and consumer affairs on applicants for nurse licensure or license renewal, reactivation, or restoration as provided by sections 457-7, 457-8, 457-8.5, and 457-9;

(43) The county police departments on applicants for permits to acquire firearms pursuant to section 134-2 [and], on individuals registering their firearms pursuant to section 134-3[;], and on applicants for new or renewed licenses to carry a pistol or revolver and ammunition pursuant to section 134-9;

(44) The department of commerce and consumer affairs on:

- (A) Each of the controlling persons of the applicant for licensure as an escrow depository, and each of the officers, directors, and principals who will be in charge of the escrow depository's activities upon licensure; and
- (B) Each of the controlling persons of an applicant for proposed change in control of an escrow depository licensee, and each of the officers, directors, and principals who will be in charge of the licensee's activities upon approval of the application,

as provided by chapter 449;

(45) The department of taxation on current or prospective employees or contractors who have access to federal tax information in order to comply with requirements of federal law, regulation, or procedure, as provided by section 231-1.6;

(46) The department of labor and industrial relations on current or prospective employees or contractors who have access to federal tax information in order to comply with requirements of federal law, regulation, or procedure, as provided by section 383-110;

(47) The department of human services on current or prospective employees or contractors who have access to federal tax information in order to comply with requirements of federal law, regulation, or procedure, as provided by section 346-2.5;

(48) The child support enforcement agency on current or prospective employees or contractors who have access to federal tax information in order to comply with federal law, regulation, or procedure, as provided by section 576D-11.5;

(49) The department of the attorney general on current or prospective employees or employees or agents of contractors who have access to federal tax information to comply with requirements of federal law, regulation, or procedure, as provided by section 28-17;

[[](50)[]]The department of commerce and consumer affairs on each control person, executive officer, director, general partner, and managing member of an installment loan licensee, or an applicant for an installment loan license, as provided in chapter 480J;

[{](51)[]]The University of Hawaii on current and prospective employees and contractors whose duties include ensuring the security of campus facilities and persons; and

[[](52)[]]Any other organization, entity, or the State, its branches, political subdivisions, or agencies as may be authorized by state law."

SECTION 12. All provisions in sections 134-2 and 134-9 that state that a permit or license "shall" be granted shall be construed as discretionary, rather than mandatory, in the event the

attorney general certifies that the United States Supreme Court has overruled the holding of *New York State Rifle & Pistol Association, Inc. v. Bruen,* 142 S.Ct. 2111 (2022).

SECTION 13. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 14. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 15. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 16. This Act shall take effect on January 1, 2050; provided that the amendments made to section 846-2.7(b), Hawaii Revised Statutes, by section 10 of this Act shall not be repealed when that section is repealed and reenacted pursuant to Act 278, Session Laws of Hawaii 2022.

Report Title:

Firearms; Concealed Carry; License to Carry; Sensitive Locations; Attorney General; Police; Insurance; Report

Description:

Prohibits issuing authorities from issuing permits to acquire the ownership of a firearm to any person where the issuance would not be in the interest of the public health, safety, or welfare because the person is found to be lacking the essential character or temperament necessary to be entrusted with a firearm. Requires issuing authorities to consider the risks associated with firearms in the home and consider the likelihood an applicant would bring the firearm outside of the home to engage in violence or carry unlawfully in public. Increases requirements for applicants seeking a license to carry a firearm. Sets minimum requirements for applications for a license to carry a concealed firearm. Establishes the crime of carrying a firearm in sensitive locations. Defines sensitive location. Requires licenses to carry concealed firearms be revoked if certain conditions are met. Requires the Attorney General to publish an annual report on licenses to carry firearms. Requires firearms be kept in a locked container and out of plain view when in an unattended vehicle. Defines locked container and makes conforming amendments. Amends the definition of "crime of violence" to include additional crimes. Requires a person carrying a firearm in public pursuant to a license to maintain insurance coverage. Establishes a duty to maintain possession of a license while carrying a

firearm. Establishes a duty to disclose that a person is carrying a firearm when stopped by a law enforcement officer. Establishes an appeals process for the denial or revocation of an application for a permit to acquire the ownership of a firearm or to carry a concealed firearm. Allows county police departments to conduct criminal history record checks for licenses to carry a firearm. Provides qualified immunity for physician assistants and advanced practice registered nurses who provide information on permit applicants. Establishes penalties for violations. Takes effect 1/1/2050. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.





March 21, 2023 at 2:00 pm Conference Room 325

House Committee Judiciary & Hawaiian Affairs

- To: Chair David A. Tarnas Vice Chair Gregg Takayama
- From: Robert Choy, MPH Director, Post-Acute Care Healthcare Association of Hawaii

Re: Support SB 1230 SD 2, Relating to Firearms

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 member organizations who represent almost every aspect of the health care continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, assisted living facilities and durable medical equipment suppliers. In addition to providing access to appropriate, affordable, high-quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 30,000 people statewide.

Thank you for the opportunity to provide **support** for this measure, specifically in identifying healthcare facilities as a sensitive space. Healthcare providers hold a unique space in our society—they are called upon to treat those who are victims of violence, while also ensuring that their premises are kept safe from those who wish to do harm.

We have heard stories from our members over the years about their need to increase security on their campuses to ensure that dangerous weapons are not brought in to cause harm. This takes an incredible amount of resources and vigilance. It is also not foolproof—we have seen in many states the tragic consequences of weapons such as firearms being brought into hospitals and nursing homes, with some documented cases of providers being killed while on the job.

The legislature's efforts to protect Hawaii residents with regard to recent legal rulings is deeply appreciated, and protecting our healthcare workers and patients must remain a top priority in any legislation to identify sensitive places.

Thank you for the opportunity to provide our support for this measure.



"Advancing the Commercial Real Estate Industry through Education, Networking and Advocacy"

Committee:House Judiciary & Hawaiian AffairsDate:Tuesday, March 21, 2023Time:2:00 PMPlace:Via Conference Room 325RE:SB 1230, SD2, Relating to Firearms

Aloha Chair Tarnas, Vice Chair Takayama and members of the committee!

We are the Building Owners and Managers Association of Hawai'i (BOMA Hawai'i) testifying in **support of SB 1230, SD1,** relating to firearms. This bill prohibits firearms in certain locations and premises and provides for enhanced sentencing. It requires possession and disclosure of a license to carry and prohibits leaving an unsecured firearm in a vehicle unattended.

Keeping building occupants safe is a key priority for BOMA Hawai'i members. A dramatic national increase in the number of firearm shootings in both public and business settings cause us to support this measure. A recent FBI study revealed that the average number of active shooter incidents per year that occurred between 2000 and 2008 was 7.4. From 2008-2017, the average number of cases nearly tripled to a staggering 20.3. These statistics are not reflective of every incident involving the discharge of a gun in that time frame and focused on those that involved one or more individuals who killed or attempted to kill people in a populated area, according to BOMA International. This alarming rate of increase underscores the importance of addressing the potential for this growing threat in the commercial real estate industry.

Working closely with law enforcement and safety specialists, BOMA Hawai'i actively educates our members on how to craft a plan to address safety and what to include; what security staff's role will be; and how to prepare tenants and building staff in the event of a tragedy. Supporting measures like this one is one step in effort to keep our community safe.

BOMA Hawai'i is a non-profit trade association dedicated to advancing the commercial real estate industry through education, networking and advocacy. We represent many commercial building owners and managers in Hawai'i, those who will be impacted by this bill. For many years, BOMA Hawai'i has participated in meaningful discussions with members of the legislature and local government officials about public safety.

Please consider us a resource.

Thank you for the opportunity to testify on this measure.

Sincerely,

Gail M. Abrena-Agas BOMA Hawai'i Government Affairs Committee Chair, and Past President

Assistive Technology Resource Centers of Hawaii (ATRC) 200 No. Vineyard Blvd, Ste 430 Honolulu, HI 96817

March 20, 2023

SB1230 SD1 Testimony

Aloha Chair Tarnas, Vice Chair Takayama and JHA Committee Members. Thank You for the opportunity to **testify in support of SB1230 SD1, JHA Committee Hearing, 03/21/23.**

- Due to SCOTUS' New York State Rifle and Pistol Association vs Bruen decision, I applaud the Hawaii State Legislature's efforts to limit potential reach and harm of the said decision.
- As an advocate for persons with disabilities/vulnerable children and adults, I believe SB1230 SD1 will help bolster the CCW vetting process and prohibit firearms in a variety of places within the State of Hawaii.
- SCOTUS' decision did not hold that a state cannot require a license to carry a firearm in public, as mentioned in an article released by the San Diego Sherriff's Dept on 06/23/22.
- Per an article entitled Cal Matters that covers the California Legislature- the said SCOTUS decision bans enforcement agencies from awarding CCW permits on their own subjective discretion, though SCOTUS' ruling still left it open for states to add their own "objective" standards.
- The ruling also enables Counties and States to specify "sensitive" gun-free zones.
- As of 2021, concealed handgun permits have increased to 21.52 million in the USA including states that require no permits.
- Gun advocates continually argue that school shootings like those at Sandy Hook, Ulvalde, St. Louis Central Visual Performing Arts High, and the recent Half Moon Bay workplace shootings could have been averted if more guns were available.
- Per an Associated Press article dated 06/18/22- From 2000 to 2021 fewer than 3% of 433 mass shootings ended with a civilian shooting back as cited by the Advanced Law Enforcement Rapid Response Training Center at Texas State University.
- The New York Times further reported it is far more common for police and/or bystanders to subdue alleged mass shooting suspects.
- Per the Gun Violence Archive (GVA) there have been a reported 109 shootings in the USA by March 12, 2023.
- The GVA further reports 149 people were killed in mass shootings in the USA as of March 6th.
- I concur that CCW permittees should not be allowed to bring firearms into schools, nonprofit agencies that serve persons with disabilities/children/vulnerable populations, government buildings, banking/financial institutions, polling places, places of worship,

and privately owned businesses. The onus should not be placed upon private owners-Hawaii State Legislation should cover this.

- I urge the Hawaii State Senate/House ensure that charitable establishments include nonprofits serving persons with disabilities/children/vulnerable clients, and victims of domestic violence in safe houses and emergency shelters.
- Per a Giffords law Center study, I urge the Hawaii State Senate and House of Representatives to legislate SB1230 SD1 to safeguard its gun sensitive zones guidelines from pre-emption by either Federal or pro-gun lobby interests.
- Further per the Giffords Law Center, to amend SB1230 SD1 to disallow honoring Out-of-County CCW permits brought to Hawaii e.g., from counties in Florida, Louisiana, Vermont, South Carolina, Arizona, Texas, and Ohio which reportedly have weak permitting laws. Forcing counties with strong CCW laws to comply with those having lax laws poses a threat to public safety.
- As the Executive Director of ATRC for 25 years, I know only too well the effects of gun violence in domestic/child abuse, abuse of persons with disabilities, and vulnerable populations.
- I am aware that on February 14, 2023, at the State Capitol- JHA Committee Chair David Tarnas publicly reported that a CCW permittee attended the hearing of HB984 with a handgun. The permittee reportedly informed the House Sergeant at Arms he was armed and was asked to leave.
- What was the purpose of bringing a handgun to the hearing when the State and City are diligently responding to public and gun owners concerns since SCOTUS' New York State Rifle and Pistol Association vs Bruen decision?
- Lastly, I urge that an addendum page documenting legal/constitutional checks for SB1230 SD1 be included.

Again, Thank You for the opportunity to **testify in support of SB1230 SD1, JHA Committee Hearing, 03/21/23.**

Respectfully Submitted,

Barbara Fischlowitz-Leong Executive Director, ATRC

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION 11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030





March 21, 2023

The Honorable David Tarnas Chair, Committee on Judiciary and Hawaiian Affairs Hawaii State Capitol, Room 442 Honolulu, Hawaii 96813

Dear Chair Tarnas:

On behalf of the members of the National Rifle Association in Hawaii, I would like to communicate our strong opposition to Senate Bill 1230SD2 (SB 1230). This legislation is deeply flawed, and in our opinion, blatantly unconstitutional. This bill runs directly counter to the United States Supreme Court decision in *NYSRPA v. Bruen*.

SB 1230 is similar to legislation that has been passed in New York and New Jersey. Litigation has already ensued, challenging these misguided laws with injunctions being issued by Federal Courts in regards to "sensitive places" and abusive permitting conditions. If passed this legislation will be met with a legal challenge and will likely face a similar fate.

For the foregoing reasons and many more we request your opposition to SB 1230.

Sincerely,

Daniel Reid Western Regional Director NRA-ILA

Aloha board members,

Today I am writing in opposition to this bill. This bill would render one's concealed carry permit useless with such broad definitions used. This bill is a copy of other states' bills trying to restrict our right that the US supreme court ruled in the Bruin V.S. New York case this summer said you can not make every area a sensitive place. New Jersey and New York that have tried passing bills like this are now dealing with lawsuits and have been ruled by more than 3 judges unconstitutional and that this does not meet the text and history test the supreme court said must have been in place when the 2n amendment was written.

This bill will also be in the courts and will not hold up to text and history tests when the 2nd amendment was made law.

Also requiring the police to conduct interviews of a concealed carry license application along with 3 reference people for the police to verify you are a "good person" is an unreasonable task for police departments. They are so understaffed currently here in Maui it takes over 4 months to get a permit approved. Adding more steps will only delay someone's ability to get a permit and could open the county up to lawsuits for constitutional right delayed being a right denied.

There needs to be a timeline for the application to be approved or denied. It take 14day to do a background check to acquire a firearm. It should not take that much longer for a concealed carry license. It also places a huge cost requirement for people to take classes every year and with only a one-year valid license. You must take a class every 8 months so you can turn your paperwork in before your permit expires. I think a more normal time is a 3- or 5-years valid permit like most other states have and a fee of 50 to 60 dollars.

I ask what other constitutional right requires that someone has to take a class and pass a test to exercise that right. Did you take a class to be an elected official and what was your score and how long is your permit valid for and cost? None it is your right as an American to run for office. Many people like to say that you have to take a test to get a driver's license but that is a privilege not a constitutional right.

Mahlo for your time and reading this letter.

Jason T Wolford

Any questions about my testimony please don't hesitate to call me 808 870 1796 look very much forward to having a conversation with you about this matter.

<u>SB-1230-SD-2</u> Submitted on: 3/18/2023 11:58:44 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Li Lundin	Individual	Support	In Person

Comments:

I strongly support SB1230 SD2. Nothing is more important than keeping the public places, homes and offices safe! Thank you!

Li Lundin

SB-1230-SD-2

Submitted on: 3/19/2023 11:39:24 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael I Rice	Individual	Oppose	Remotely Via Zoom

Comments:

I stand in **STRONG OPPOSITION** to this bill. It is on its face Unconstitutional and a poor attempt to circumvent the Bruen decision and would not survive a legal challenge. Many of the provisions in this bill have been tried in other states and have been found to be unconstitutional. A legal defense against this law shall have to provide an applicable law from the time of the founding of this nation (the 1790s, to the early 1820s), and there are numerous mainland gun groups just waiting for Hawaii to pass this law so they can bring forth lawsuits. I will be amongst those suing the state should this law pass.

The Supreme Court has already listed down the places that can be deemed sensitive, they were: Public Schools (K-12); Courthouses and Legislative Buildings, not simply any building the government owns; polling places; and prisons and jails. If you want this law to have any hope of passing a constitutional and legal challenge, stick to these places, do not broaden them to include anywhere that's public.

The places are so broad, and by the wording of the bill, I'm violating the law even if I don't know I'm violating the law. If I go to an office building and I'm unaware that the city is leasing space there for whatever reason, I'm breaking the law. The City and County of Honolulu doesn't even know what all the properties they have, how can I be expected to? If I wish to find out that a business will allow me to carry a firearm, I'll potentially be breaking the law to try and comply with the law.

Schools have already been declared sensitive places by the Federal government since 1995 where guns are banned from school campuses, this exemption extends to a 1000 yard perimeter around school campuses. This prohibition has not stopped ONE school shooting since it was enacted. While there is a carveout in federal law for CCW license holders, it only applies to the 1000 yard perimeter of the school. Schools must still make it a policy to allow carry on campus.

Private Property owners and businesses already have the right to deny entry to anyone for any reason, but those reasons typically require signage to be properly enforced. The government

cannot tell businesses that something is the default unless they say otherwise as that would be Compelled Speech and a violation of the first amendment. Not to mention that this doesn't apply to anything else that's a right. We don't make business owners deny people based on their faith, race, or sexual identity and tell them to put up signs saying 'Non-Christians allowed' or 'LGBTQIA+ Permitted'. Even signs that are posted for things that are not right post what is not allowed rather than what is, IE clarifying that Emotional Support Animals are not Certified Service Animals.

This fails to mention that if properly concealed, no one but the owner will know that they have a concealed carry handgun. These sensitive places will be unenforceable unless you have police officers stopping and frisking everyone going into them, and last I checked we were short over 300 police officers in HPD just for their normal duties. In previous testimonies I have heard someone in the opposition say they 'don't want to be burdened with putting up signs disallowing guns'. If they don't want to be burdened with putting up signs they're surely not going to burden themselves with installing metal detectors and hiring security to make sure no one has a firearm on their business.

Guns can be dangerous, the danger increases when they are manipulated. If I need to unload and unchamber my gun every time I park my car and put it in a locked case to comply with this law, that increases the potential to have a negligent discharge, to hurt or kill someone simply because I'm trying to comply with the law. Not only that but I expose my gun every time I need to transfer it from storage to my holster and back. If a criminal see's I've got a gun and leave it in my car they're gonna take the risk to get a free gun to either use or sell.

I am heavily against leaving a gun in the car, loaded or unloaded. Even if it's in a 'secure' lockbox there is the high potential for its theft. Some vehicles do not have a proper way to secure a lockbox so a thief could just reach in and grab it and pick or break the lock at their leisure and now they have a free unregistered gun. Even if I were to secure it by bolting the lockbox to my car or having a steel cable to anchor it, we've got criminals walking around with power tools stealing catalytic converters. If they can cut through a catalytic converter and be gone in 2 minutes, they can surely do the same with a gun lockbox.

The ban on carrying on public transport is also discriminatory towards those such as myself who rely on public transportation. I have witnessed and heard of many incidents on buses that became violent. People being attacked, people being sexually assaulted, some being murdered just for waiting at bus stops. I am a railfan and look forward to being able to ride the Rail when it opens. There are no security guards at bus stops, there are none on the bus, there will be one at the rail. If you're lucky the bus driver might pull over and intervene or a bystander might come to your assistance. Not always. I've questioned HART in the past about what would happen if there was a violent incident to take place on the rail. Their response was they will see it on the cameras in the cars and call the police to arrive at the next station. There's quite a few problems with that, first they need to actually see it happen. Each Rail Unit will have 4 cars, and assuming

they only have 2 cameras per car, that's 8 cameras just for one Unit, the Project is estimated to have 20 units by project completion. Even if half of them are not in active service, that's 80 camera screens at once someone is going to have to watch and notice something happening, then have whoever is monitoring the situation to determine what's going on and call the appropriate response (Police, Fire, Medical).

You cannot guarantee my safety aboard public transit. I am my own first responder, police might show up 10 minutes after they get the call if I'm lucky.

And again, I'll have to manipulate my firearm to store it and I'll have to do this out in the open. **People at the bus still WILL see my firearm.** Someone's going to call the cops on me for complying with the law. A criminal will see apotential source to steal a gun. All this puts people in direct danger.

Next subject, Duty to Inform. While I have no problem with informing a police officer that I am armed if requested, having to 'immediately' inform them I have a firearm can lead to some problems, such as with the shooting death of Philando Castile. He told the officer he was armed and went to get his ID and was shot. While training of Police Officers can help to reduce the likelihood of this it won't eliminate it. If I'm riding with someone and they get pulled over for whatever reason and someone in the back seat just randomly says "I've got a gun." How well do you think that's going to end? I carry my gun on my right side, I keep my ID on my right side as well, will I be shot because an officer I just made nervous and aware of the fact I have a gun and where it's located?

Another problem I have is the requirement to have my Registration as well as my carry license, the fact that I have a carry license should be evidence enough that I have a registered weapon as that is required to get a license in the first place. I'm also concerned about things that might be out of my control, what if I forget or lose my wallet? Police should be able to call HQ and run a check on me and see 'Registered Weapon, CCW Permit on file.' as well as see a picture of me from the last time I registered a firearm or got a permit.

And that goes nothing to say that this bill won't deter criminals at all, who are already carrying weapons in public and without a permit. The 'intent' to make this state safer by passing this law is on its own a bold faced lie. All it will do is attempt to criminalize otherwise law abiding citizens.

The insurance requirement alone is unconstitutional and is an attempt at a poll tax. The insurance wanted simply does not exist. And considering the requirements desired by the state simply will never exist. There is insurance out there that covers legal fees and some liability in the event of legal self defense. It does not cover liability for any event involving a

firearm. Insurance by law cannot cover illegal activity. If someone steals my gun and goes on a mass shooting, no insurance in the world will cover the expenses from that.

The proposed requirement for a gun applicant to show that they have 'the essential character or temperament necessary to be entrusted with a firearm' is just as vague and subjective as the already struck down 'good moral character'.

Someone has previously mentioned that places that could be made sensitive need to be protected. Will you have security guards at all parks, private businesses, public places and everywhere else you want the carry of firearms banned? We barely have enough police officers and security guards are routinely attacked by unarmed individuals, let alone armed ones.

SB-1230-SD-2

Submitted on: 3/19/2023 12:41:44 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marcus Tanaka	Individual	Oppose	Remotely Via Zoom

Comments:

I oppopse this bill. It only targerts law abiding citizens. Criminals are NEVER going to obey this. What this bill does is allows criminals to have easier prey because they will not have to fear getting shot when trying to rape someone. Or an active shooter can keep shooting until HPD arrives. No on will be on the spot to stop them.

RELATING TO THE PUBLIC CARRY OF FIREARMS

Hi, my is name is Lori Fujimoto. I am here today to request less restrictions for us qualified civilians -- concealed carry weapons (CCW) permit holders -- to carry firearms concealed and non-concealed (open carry)...especially women.

Women are far more likely to be victims of violent crime, and far less likely to be perpetrators of violent crime.

Especially female CCW permit holders should not have any sensitive area restrictions. And if you keep any sensitive places, then they should only be those that have magnetometers to keep out all guns, which are places like airports and courthouses. And even in these places like airport sand courthouses, there should be private lock boxes provided to secure firearms, like how the US Federal Court house, provides law enforcement officers a secure their firearms.

Almost exclusively, law enforcement has not responded quick enough to stop violent crime, because it predominantly happens much too quickly. Usually, victims are not even able to call 9-1-1 soon enough for police to arrive before violent injury occurs.

This just this past February 1, 2023, at approximately 9:00 am, Mililani Walmart parking lot, Desmond Kekahuna intentionally ran over a woman who was pushing her baby in a stroller. Attacker then proceeded to attack this woman and a man who came to her aid, leaving them both in critical condition.

The idea that low Honolulu crime (which is debatable), and that Honolulu is "safe-enough," should not violate our US Constitution rights to keep and bear (i.e., carry) a concealed weapon. This low-crime argument suggests that this attack in the Mililani Walmart is rare enough to be perfectly acceptable. Your CCW restrictions leaves victims like these entirely defenseless.

The proposed ban prohibits qualified citizens from carrying in all the listed locations in effect is a "back door ban" or "disguised ban" that violates our US Federal Constitutional Rights. There is nothing "sensitive" about these places. These places that you deem "sensitive" are mundane and a part of normal everyday life. Qualified CCW permit holders literally cannot obtain simple basic, life necessities to survive or participate in society.

Integrity demands that you public officials abide by the US Constitution and what was specified by the US Supreme Court, and not circumvent or suppress the law with your own political bias. The City Council's willingness to "back door ban" concealed carry shows your lack of integrity. Your liberal, crime-lenient political positions are soft (softer than conservative Republicans) on violent criminals and strip law-abiding citizens of their 2nd Amendment and leaving innocent victims defenseless.

Criminals who are willing to commit violent crime, will certainly not obey lesser laws of carrying weapons. These restrictions sick/send/launch violent criminals to target law-abiding citizens, especially in gun-free, sensitive zones, because criminals know that the law-abiding will obey the law and not carry their firearms in those zones.
My husband has been employed/working as a federal law enforcement agent/officer for the past 18 years. I, as his wife, would pass the same background database checks as him. Yet your "back door ban" treats me as a criminal, who has no constitutional right to carry a firearm for self-defense.

The database background checks for CCW applicants are already the same as the police.

The firearms proficiency test is also comparable to the local police.

Qualified citizens should be able to carry both open and concealed. Open carry serves as an effective deterrent to violent crime. Periodic open-carry should be allowed to CCW permit holders in certain "sensitive" situations, where, for example, there is a suspicious group of men congregating outside a store at night. My law enforcement husband does this when he has to fill gas late in crime ridden areas of Hawaii.

Qualified Retired Law Enforcement Officers (QRLEO) should be exempt from the restrictions of sensitive locations and private property.

I also support qualified citizens and QRLEOs to carry high capacity magazines. This will allow the qualified citizen to defend themselves on a more even playing field, when defending against violent criminal attackers who are well-known to disobey firearms laws like the laws restricting magazine capacity.

Lori K. Fujmoto, March 13, 2023 last four of social security number 7284

Submitted on: 3/20/2023 6:56:11 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
noela von	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha,

Please uphold your Oath to PROTECT The Constitution of The United States of America and your Oath to PROTECT The State of Hawai'i Constitution!! Your continuous chipping away at We The Peoples Second Amendment is glaringly obvious and you must stop. Bad people do bad acts, but the law abiding citizens have the right to protect themselves and their fellow citizens in the event of a bad situation occurring. No matter where it happens, criminals generally do not announce to the public where they will be committing crime, taking away The Peoples right to fight back is not only stupid but it's cruel and very, very dangerous. Think about it!!

Submitted on: 3/20/2023 7:30:17 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lindsey Kimura	Individual	Oppose	Remotely Via Zoom

Comments:

I oppose SB1230. If we'r want to protect or children in schools, who will stop those with bad intent from entering a school that has been designated a no gun zone? How about a mall or theater? Until we "harden" these areas, criminals will have access to our citizens. We must allow law abiding citizens to conceal carry so that they can create a deterrent for those seeking to harm the innocent.

Thank you, Lindsey Kimura

Submitted on: 3/20/2023 9:40:54 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Shedko	Individual	Oppose	In Person

Comments:

The intent of this law does not seem to be to be to uphold the Constitution. In fact, it seems like it intends to do the opposite. Did anyone who introduced or voted for this bill swear to uphold the Constitution?

Prohibiting guns in "Sensitive Places" does not make these places safer. It does the opposite, except for criminals. These would become safe places for criminals to commit violent crimes. The rest of us will have lost our Constitution-granted protections.

We do not need to try to be like New York!

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 11:53:11 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Theresa Harden	Individual	Oppose	Remotely Via Zoom

Comments:

SB1230 SD2 & HB984 OPPOSE

The Texas Massacre can teach us a lot. One Sunday during church, a person entered the church and started to open fire at the church goers (one incident 26 were killed and another 2 but there have been many). Hundreds of people survived because of a few church goers on those days who had their concealed weapon on them and they were able to respond in the moment by shooting the gunman stopping him from killing every person in the building and before the police could arrive. Had Texas has such a law that you are proposing, hundreds more would have died and the police would had a standoff with the gunman which would have taken too much time to save the ones shot but not killed but of risk of bleeding to death because the stand off would have delayed medical treatment in time to save

lives. <u>https://youtu.be/LflruqEMIVU</u> "today, evil boldly walked among us, but let me remind you that good people raised up to stop it". Ask yourself, who would you be if you where there – the unarmed church goers who were the target of a mass murder or one of the few, brave citizens who had the ability to save peoples lives?

Guns have a time and place; it can not be that only the criminals have the weapons. The criminals do not register their guns or ask for a permit to conceal a gun. The good, law-abiding citizens are the ones that this bill will be harming as well as the public at large making Hawaii less safe. Each place restricted are the places criminals would target – why? Because they know they will be able to carry out their mission to kill as many as possible without being stopped by a good, law-abiding, concealed carrying citizen who would be able to stop them if the police were not present at that moment. Every state that has gun restrictions also has the highest crime rates because the criminals know they have the upper hand. Good people follow the law. Concealed carry means that nobody should know that person is armed.

Each time this government tries to stripe our constitutional rights away, we the people react with fighting for our rights. Right now because of this threat, you are causing more good people to buy more guns and ammo.

Oahu, Hawaii has changed for the worst since 2020 with the Hibiscus Dr incident that resulted from two police officers being murdered in the line of duty and the COVID shutdown with the governor's delays to act responsibly to the COVID HOAX (not a natural virus; US PATENT # 10130701). Criminals have been released early and crimes such as armed robberies and carjackings in Hawaii have skyrocketed since the COVID shutdown. These were the reasons I

decided that we were no longer safe in Hawaii without having a gun (registered and permitted of coarse as an law-abiding citizen).

The COVID attack was and is a bioweapon designed to shutdown economies globally and force the compliance of the "One World Government" or the "New World Order" which is the real reason behind this effort to push tyrannical and un-constitutional restrictions on the people. The vaccine shots are killing people and destroying reproduction to put into effect the planned genocide to take down the United States and others who are fighting this evil. Some within our own government have received payments from the bioweapon (vaccine shots) manufactures to push the agenda and along with the corrupt media cover up of the truth from the unsuspecting public. How is this all connected? This is called modern day warfare; it is a silent war against the people using disinformation to confuse the people who trust the government, the media and big pharma cartels. For those who do not trust the government because WE KNOW THE TRUTH, you are trying to remove our weapons so that WE THE PEOPLE will have no power to remove a treasonous government however this is the very reason that we have the constitutional rights and bill of rights for this exact reason. The irony is that the" vaccine shots" (no ammo required) are killing the people without one gun being fired and the masses of the people do not understand the attack by our own government on our very own people happening today.

The people are waking up to the ugly truth and we the people WILL REMOVE A TREASIOUS GOVERNMENT IF THIS GOVERNMENT DOES NOT TAKE IMMEDIATE ACTIONS TO TAKE DOWN ALL WHO ARE STILL PUSHING THE COVID WAR, ALLOWING THE VACCINE SHOTS TO CONTINUE INJURING AND KILLING THE INOCENT WHO ARE ONLY GUILTY OF TRUSTING OUR GOVERNMENT. PICK A SIDE BECAUSE WE THE PEOPLE ARE RISING UP AND WE WILL HOLD ALL ACCOUNTABLE WHETHER THEY TOOK A BRIBE TO VOTE OUR RIGHTS AWAY, LOOK THE OTHER WAY OR WORST, ACTIVITLY TOOK PART LIKE OUR CURRENT GOVERNOR AMONG OTHERS. WE ARE TAKING NOTE WHO IS WHO AND IF YOU ARE CLUELESS, THEN YOU BETTER RESEARCH TO UNDERSTAND. LOOK UP THE NURMBERG TRIALS HAPPENING AT THE INTERNATION CRIMINAL COURT LEVEL NOW; DR RIENER FULLMICH WHO IS A US DR AND ATTORNEY HAS BEEN BLOWING THE WHISTLE, REPORTING TRUTH TO SAVE LIVES AND ACTIVITY INVOLVED WITH CRIMES AGAINST HUNAMITY TRIALS. FAUCI IS GUILTY AMONG MANY OTHERS; THERE ARE MANY WHISTLE-BLOWERS! Everything is connected, and more people are starting to see the god-awful truth.

How can every major election year have a "virus" come out? Because it was PLANNED that way:

CORONA	2020	US-Patent 10130701
EBOLA	2018	US-Patent 20120251502
ZIKA	2016	ATTC VR-84 (Rockefeller Foundation)
EBOLA	2014	US-Patent 20120251502

MERS	2012	Worldwide Patent EP2016082669
SWINE	2010	US-Patent CA2741523 A1
AVIAN	2008	US-Patent 60/861,603
SARS	2004	US-Patent 7897744 & 8506968
BSE (MAD COW)	2002	US-Patent 0070031450 A1
H1N1	?	US-Patent 8835624
AIDS	?	US-Patent 5676977

FACT: Natural viruses can NOT be patented; man-made viruses are patented.

THIS SILENT WAR HAS BEEN GOING ON AGAINST THE PEOPLE FOR DECADES, UNDETECHED.

SOON TRIBUALS WILL BE MADE PUBLIC KNOWLEDGE AND TRUTHS BE TOLD PUBLICALLY.

OVER ONE THOUSAND SEALED INDITMENTS IN HAWAII WILL BE UNSEALED AND ARRESTS WILL BE MADE.

WE THE PEOPLE WILL PUT A STOP TO THIS COMMUNIST TAKEOVER (NWO/CCP AGENDA) HERE IN HAWAII THAT OUR GOVERNMENT IS SUPPORTING (SOME UNKNOWLY) AGAINST OUR VERY OWN PEOPLE!

THE TRUTH WILL SET US ALL FREE.

I TOOK THE SAME OATH AND UNDERSTAND THAT I AS PART OF WE THE PEOPLE HAVE A DUTY TO PROTECT OUR CONSTITUTIONALS RIGHTS WHEN OUR GOVERNMENT FAILS TO UPHOLD THEIR OATHS TO PROTECT THE PEOPLE'S RIGHTS OVER A TRYANNICAL GOVERNMENT'S POLICYS. YOUR POSITIONS ARE KNOWN WITH EACH VOTE YOU MAKE ON BEHALF OF WE THE PEOPLE. WE KNOW, AND YOU KNOW THAT WE KNOW WHAT THIS GOVERNMENT HAS PARTICIPATED IN. STOP TREADING ON OUR RIGHTS AND START PROTECTING OUR RIGHTS! IT IS EASY. START BY STOPPING THE MAYOR'S AND GOVERNOR'S PLANS TO FINISH DISTORYING HAWAII AND ALL THE PEOPLE OF HAWAII. PS- ALL CORRUPT ARE HEREBY ORDERED TO IMMEDIATELY STAND DOWN, RESIGN AND RELIQUISH ALL OFFICIAL DUTIES FOR FAILING TO UPHOLD YOUR OATH OF OFFICE, SIMPLY PUT. HEARING: March 21, 2023 at 2pm RE: SB1230 Firearms

I OPPOSE SB1230

I oppose SB1230 as it is unconstitutional, restrict places where licensed people may carry a handgun, and has burdensome requirements and restrictions to Concealed Carry Weapons(CCW) licenses and Permit to Acquire Firearms. This bill appears to be created out of fear and panic, rather than facts and research, and does not have the text, history, and tradition evidence present as required by the US Supreme Court.

The US Supreme Court 2A Standard

The US Supreme Court ruled in NYSRPA v Bruen last June that the Government has the burden of showing the text, history and tradition supports the firearm restriction, or in other words that similar laws were generally in place in the states around the time of the US Constitution ratification in 1791. There are no historical analogues provided with this bill and they should be researched and provided prior to voting on this bill.

In the post-Bruen lawsuits, New York's Antonyuk v Bruen, which is similar to HB984, the Federal district judge granted an injunction due to the historical laws provided were not relevant, not near the time of ratification, applied to territories and not states, or affected a very small population such as a small town. New Jersey's law was stopped due to not providing any precedent with the judge stating that the historical evidence should have been researched prior to the law passing.

Sensitive Places

The long list of sensitive places are unconstitutional and make no sense, except having the goal to reduce the lawful carry of guns for self-protection. The is no reason for banning CCW licensees from parks, museums, stores, parking lots, public transportation, etc. Criminals will still enter these places with or without a "sensitive places" designation and commit harm while CCW licensees will be defenseless.

The US Supreme Court did provide references to firearms restrictions in sensitive places: government buildings, courthouses, legislative assemblies, polling places, and school buildings. If you restrict firearms in these places, please ensure exceptions are provided for employees, parents picking up children from school, college students living in dorms, and private schools.

Significant issues I oppose in this bill include:

 Banning firearms possession for minor crimes, examples of such are a push or argument under harassment, excessive speeding for Reckless Endangering, registering firearms late. These crimes should not be done, but they are not uncommon does not justify revoking a person's civil rights and confiscating their firearms. This will lead to a retroactive confiscation of firearms from gun owners with some trouble in their past but are in good standing now.

Please see the attached 2021 Federal lawsuit Choda v County of Hawaii concerning firearm prohibitions for person's with a harassment conviction. Mr Choda had gotten into an argument

with his neighbor, with no threats or violence, and received a conviction for Harassment. The police threatened to confiscate Mr Choda's firearms despite it not being a crime of violence. Hawaii County settled the lawsuit agreeing that Harassment does not necessarily revoke a person's 2nd amendment rights.

- The use of essential character and temperament standard to deny firearms possession and carry, which can be vague and subjective compared to using indictments and convictions. It is also very intrusive into people's personal lives and those that may be used as references.
- Banning CCW from private property open to the public is a drastic way in how we do things, with the only purpose of making it difficult for licensees to carry firearms. This is considered compelling speech, a 1st amendment violation, where property owners are being defaulted to a ban.
- The carry license length is only one year per county. This is a burden on the applicant and police resources. I recommend amending the statute to a four year carry license which is valid statewide.

I'm available for any questions.

Mahalo

Todd Yukutake PH. (808) 255-3066 Email: <u>todd@hifico.org</u>

References

New Jersey Koons v Reynolds opinion: <u>https://law.justia.com/cases/federal/district-courts/new-jersey/njdce/1:2022cv07464/506033/34/</u>

Page 19: "That Defendants dedicate a significant portion of their argument discussing the benefits of the firearms regulations and not evidence of historical analogues is quite telling. And although Defendants represent that the "State will offer ample evidence that Chapter 131 is constitutional," [State's Br. at 2], they do not adequately explain why—if such evidence was critical to the passage of the legislation that would pass constitutional muster post-Bruen and available to the Legislature as set forth in Section 1(g) of the statute—they have not introduced such evidence here. Certainly, Defendants anticipated challenges to the legislation and should have been better prepared to defend the legislation's constitutionality. Plaintiffs implore this Court to consider the only reasonable conclusion from Defendants' posturing: their dragging of feet is evidence that no such historical tradition and evidence exists. Perhaps. At this juncture, there is no bona fide basis for this Court to withhold its ruling because the State says it needs more time to come forward with historical evidence that the Legislature represented it had at the time of the law's passage. The Court will therefore proceed to consider the evidence and argument the parties have presented."

New York Antonyuk (GOA) v Bruen decision: https://michellawyers.com/wp- content/uploads/2022/09/2022-08-31-Decision-Order-on-MPI.pdf

Page 71: "Although Defendant cites some historical analogs for restricting firearms at some of the above-listed locations, he often ignores the fact that vast majority of the other states (of which there were 14 in 1791 and 37 in 1868) did not have statutes restricting firearms at those very locations (suggesting that Defendant's "historical analogs" might represent exceptions to a tradition more than a tradition), and that some of the states even had contrary statutes (for example, statutes regarding carrying in places of worship and educational institutions). In any event, and more importantly, he does not cite any historical analogs for restricting firearms at all of the above-listed locations. IN short, the CCIA's list of "sensitive locations" is not deeply rooted in the Nation's historical tradition of firearm regulation.

US Supreme Court statement: <u>https://www.supremecourt.gov/opinions/22pdf/22a557_0pm1.pdf</u>

"I understand the Court's denial today to reflect respect for the Second Circuit's procedures in managing its own docket, rather than expressing any view on the merits of the case. Applicants should not be deterred by today's order from again seeking relief if the Second Circuit does not, within a reasonable time, provide an explanation for its stay order or expedite consideration of the appeal"

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

LANCE S. CHODA,)
)
)
Plaintiff,	
) Civil Action No. 1:21-cv-384
V.)
) STIPULATION AND ORDER
COUNTY OF HAWAII)
)
)
)
) Judge: N/A
) Trial: N/A
Defendant.) Hearing: N/A
)

Stipulation and Order

Under Hawaii law, "[n]o person who is under indictment for, or has waived indictment for, or has been bound over to the circuit court for, or has been convicted in this State or elsewhere of having committed a felony, or any crime of violence, or an illegal sale of any drug shall own, possess, or control any firearm or ammunition therefor." Hawaii Revised Statutes (H.R.S.) § 134-7(b). On September 14, 2021, Plaintiff Lance S. Choda ("Choda") filed a complaint against Defendant County of Hawaii ("County") (collectively, the "Parties") alleging that the Hawaii County Police Department (HCPD) impermissibly denied him a permit to acquire a firearm and demanded he turn in the firearms he owned. Choda was informed by HCPD that he was disgualified from possessing firearms due to a crime of violence conviction in Hawaii. On January 21, 2021, Choda was convicted of Disorderly Conduct (H.R.S. § 711-1101(1)(a)(b)(c)(3)) and Harassment (H.R.S. § 711-1106(1)(a)), both petty misdemeanors.

The Parties agree that H.R.S. § 134-7(b) only prohibits persons who are under indictment for, have been bound over to the circuit court for, or have been convicted of having committed a felony, or any crime of violence, or an illegal sale of any drug, from owning, possessing, or controlling any firearm or ammunition. Choda's convictions for Harassment and Disorderly Conduct were not crimes of violence as defined under H.R.S. §134-1. Therefore, it is stipulated that County is permanently enjoined from denying an applicant's permit to acquire a firearm due to being convicted of a crime of violence under H.R.S. § 134-7(b), unless the conviction meets the definition of "crime of violence" under H.R.S. §134-1.

This stipulation and permanent injunction resolve all claims set forth in Choda's *Verified Complaint for Declaratory and Injunctive Relief* ("Complaint"), with the exception of Choda's claims for damages, which are nominal (\$1.00), and attorney's fees and costs. Choda is the prevailing party and has achieved all relief sought in his action for purposes of attorney's fees. This stipulation and injunction shall be filed, but the court will not enter the judgment until attorneys' fees have been paid. County shall pay Choda's reasonable attorneys' fees and costs as may be agreed to by the Parties or, in the event of no agreement, then as ordered by the Court following a fee petition. The Parties shall submit a stipulation for dismissal of Choda's Complaint within 10 days of receipt of payment of Choda's attorneys' fees and costs.

DATED: Hilo, Hawaii, October 8, 2021.

/S/ Steven K. Idemoto

STEVEN K. IDEMOTO Deputy Corporation Counsel Attorney for Defendant COUNTY OF HAWAII DATED: San Diego, California, October 8, 2021.

/<u>S/ Alan Beck</u> ALAN ALEXANDER BECK

Attorneys for Plaintiff LANCE S. CHODA

DATED: Honolulu, Hawaii, October 8, 2021.

/<u>S/ KEVIN O'GRADY</u> KEVIN GERARD O'GRADY

Attorneys for Plaintiff LANCE S. CHODA

IT IS APPROVED AND SO ORDERED:

DATED: Honolulu, Hawaii, October 8, 2021



/s/ DERRICK K. WATSON JUDGE OF THE ABOVE-ENTITLED COURT

Lance S. Choda v. County of Hawaii; Civil No. 1:21-cv-384 DKW-RT; Stipulation and Order

<u>SB-1230-SD-2</u> Submitted on: 3/17/2023 3:26:44 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Ruiz	Individual	Oppose	Written Testimony Only

Comments:

Stop infringing on our Second Amendment rights.

<u>SB-1230-SD-2</u> Submitted on: 3/17/2023 3:34:13 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this Bill that infringes on the 2nd Amendment.

<u>SB-1230-SD-2</u> Submitted on: 3/17/2023 3:46:06 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
scott shimoda	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

<u>SB-1230-SD-2</u> Submitted on: 3/17/2023 4:05:47 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Edgardo Gutierrez	Individual	Oppose	Written Testimony Only

Comments:

Oppose

TESTIMONY OF ELLEN GODBEY CARSON IN SUPPORT OF SB 1230, SD2

I write in strong support of SB 1230, with a request for amendments to strengthen the bill.

While I write as an individual, I have served as president of the Hawaii State Bar Association, the Institute for Human Services (IHS) and Hale Kipa Youth Services. In these capacities, I have strived to strike the right balance for safety of our community and protection of individual rights. I believe SB 1230, SD1 strikes that right balance, but would be enhanced by the four amendments below.

I support this bill because it creates numerous measures to better protect our community, while complying the US Supreme Court's mandate that public carry permits be allowed. However, further expansion of the bill's terms would better meet our needs. Accordingly, I request the amendments described below.

A. In HRS 134-A(i), for the definition of "private property of another person without authorization", require a "clear and conspicuous posting at all public entrances to the property," for owners of private property who permit firearms to be carried on the property, instead of allowing it only as an alternative to express consent by the owner. This is the only fair way to provide notice to all persons who may otherwise wish to enter or patronize those locations, that firearms may be present on the property. This will allow us all to make our own reasonable choices for self-protection.

(18) Private property, including but not limited to residential, commercial, industrial, agricultural, institutional, or undeveloped property, unless the owner has provided express consent and clearly and conspicuously posts a sign at all public entrances of the building or on the premises indicating that license holders are permitted to carry firearms on the property.

B. Mental health background checks cannot be effective unless pertinent data bases are searched, disclosures are required, and HIPAA-authorizations are provided, so that information can be obtained from health care providers, health plans and governmental sources. One of the most comprehensive sources of health care information (diagnoses, treatment and services) is the individual's health care plan (HMSA, Kaiser, etc) that pays for virtually all health care rendered to the person. Thus, in section 134-9(d)(5), include "health care plan" so as to read "applicant shall also complete any forms required by the applicant's health care provider, health care plan or relevant government entity for release of mental health information;"

C. In HRS 134-9(b)(5), include a past perspective to the "mentally deranged" inquiry, so that It will be clear that not appearing "mentally deranged" at the current moment is not adequate where there is history of being mentally deranged in the past.

[(4)] <u>(5)</u> Not have been adjudged insane or not appear to be mentally deranged. <u>Being</u> a person who does "not appear to mentally deranged" means that the applicant has not exhibited specific and articulable indicia that would objectively indicate to a reasonable observer that the applicant is not capable of being a reasonable and law-abiding user of firearms. ...

Thank you for your consideration of my testimony and helping protect the safety of our community.

Ellen Godbey Carson Honolulu, Hawaii

Submitted on: 3/17/2023 5:01:56 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Terrilynn Ono	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB 1230. Besides being unconstitutional, it's wrong to penalize the most law abiding citizens of the state. Statistically conceal carry people commit less crimes than police officers. Uninsured motorists kill and maim more people than concealed carry people in Hawaii. More laws are not the answer, criminals don't follow the laws. All you are doing is making more criminals. As a private citizen, we are obligated to be responsible for the safety of our own lives, and how is this accomplished if our inalienable rights are stripped away from us? We've now have a duty not just retreat when we are being attacked in our own homes, but prove we've exhausted the means to protect our own lives. To any sane person, this makes no sense (victim blaming). Therefore, as law abiding, tax paying citizens, no one has the right to strip our 2nd Amendment rights, ever.

I humbly submit this as evidence of my opposition to this piece of legislation.

Submitted on: 3/17/2023 5:35:38 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bruce Anderson	Individual	Support	Written Testimony Only

Comments:

I support all the measures in this bill. We must do all w can to stem the gun violence in this country, it is unacceptable. Our founding fathers did not have mass murders qnd terrorizing school children in moind when hey drafted the second amendment.

<u>SB-1230-SD-2</u> Submitted on: 3/17/2023 5:38:17 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Casey Nakama	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill!!!

<u>SB-1230-SD-2</u> Submitted on: 3/17/2023 6:18:10 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jake Ishikawa	Individual	Support	Written Testimony Only

Comments:

Chair Tarnas, Vice Chair Takayama, and members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Jake Ishikawa, and I am a high school student at Kapolei High School. I am testifying in strong support of Senate Bill 1230 SD2. I am not going to deny people's second amendment right to "keep and bear arms;" however firearms can be a danger and a threat to the public and therefore require special restrictions to protect the general public. Mass shootings have become too common in the Mainland and it is important that we protect Hawai'i from these mass shootings. People's lives are far more important than a firearm. This bill restricts the locations in which a person can carry a firearm and clarifies Hawai'i's gun laws. Schools, hospitals, public transportation, and the like, must be protected from firearms because they pose a threat to the general safety. As we know all too well, school shootings are too common in the Mainland and each time we need to grieve and pray. We cannot let that happen in Hawai'i because life is far more important. Firearms are dangerous and we do not want to be going to school everyday in Hawai'i fearing that we might not make it home.

Once again, I strongly support Senate Bill 1230 SD2 and it is my hope that this bill will pass out of this committee for the safety of everyone in Hawai'i. Thank you for the opportunity to testify.

With gratitude,

Jake Ishikawa

Submitted on: 3/17/2023 6:18:45 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brennan Simcock	Individual	Support	Written Testimony Only

Comments:

I support SB1230 SD2

Hawaii has one of the lowest number of gun deaths in the country. We must do everything we can to keep it that way.

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS Rep. David A. Tarnas, Chair Rep. Gregg Takayama, Vice Chair

Tuesday, March 21, 2023 2:00 PM VIA VIDEOCONFERENCE Conference Room 325 State Capitol 415 South Beretania Street

SUPPORT OF SB1230SD2 RELATING TO FIREARMS

This testimony is in support of this bill which offers some degree of protection to the public in the face of the expanded carrying of guns by individuals in our community. I am fearful that we will begin to experience a higher incidence of gun violence in Hawaii and I'm hopeful that this bill, when enacted into law, will help to mitigate that.

I strongly urge the legislature to pass this bill and provide some measure of safety to the public.

Thank you for considering this testimony.

Linda L. Rich

Submitted on: 3/17/2023 9:16:53 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jun Look	Individual	Support	Written Testimony Only

Comments:

I am so frustrated that I have to fight for my safety in public. SB1230 is a bill that will ensure that I can feel safer in my hometown.

I am proud that I live in a state that will make MY safety a priority inspite of SCOTUS decision regarding the right to carry a firearm in public.

SB1230 is a big step in the right direction for me and my grandchildren.

I support fully SB1230

Submitted on: 3/17/2023 11:30:10 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacob Holcomb	Individual	Oppose	Written Testimony Only

Comments:

When the financial crisis wipes out pensions and law enforcement budgets, it's going to be hilarious watching some of you get frustrated as you stumble through all the stupid gun regulations. Keep in mind the billionaires who wrote these garbage bills have hellicopters and private jets to take them away to their fully stocked doomsday shelters when their awful policies shred the social fabric. Not you, though. You're stuck here with the rest of us.

Submitted on: 3/18/2023 5:12:06 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

As a kupuna and one who has never been in a setting where guns are allowed, it would be great stress to know someone is carrying a gun around me. I feel my sense of safety is being violated. Please do all you can to help our elderly travel and feel safe in our own communities. Please support this bill. Mahalo.

Submitted on: 3/18/2023 6:13:37 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Coralie Matayoshi	Individual	Support	Written Testimony Only

Comments:

I strongly support Hawaii's efforts to continue taking vigorous precautions to protect public safety even while complying with the US Supreme Court's decision regarding a Second Amendment right to carry firearms in public. Our nation now has more mass shootings than days in the year. It doesn't have to be this way. Our death by gun rate is over 20 times higher than other industrialized countries in the world.

It is sad that every public school in Hawaii, has to conduct lock down drills are conducted for training students on what to do in the event of an active shooter on campus.

Every time there is another shooting, people reach out to the victim's families with thoughts and prayers. That is not enough - action is needed now.

Thank you for allowing me the opportunity to testify on this very important matter, and for helping do everything you can to create laws that protect from injuries and deaths caused by firearms.

<u>SB-1230-SD-2</u> Submitted on: 3/18/2023 8:18:35 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie Takeno	Individual	Support	Written Testimony Only

Comments:

I SUPPORT this bill, please pass it to protect our children and families!

<u>SB-1230-SD-2</u> Submitted on: 3/18/2023 8:31:17 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Samuel Webb	Individual	Oppose	Written Testimony Only

Comments:

This is a all out ban on CCW, which the the Supreme Court said should not be done in the Bruen decision.

Submitted on: 3/18/2023 9:14:12 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
DOMINIC CHOW	Individual	Support	Written Testimony Only

Comments:

I support SB1230 SD2. I support Hawaii's efforts to continue taking vigorous precautions to protect public safety even while complying with the US Supreme Court's decision regarding a Second Amendment right to carry firearms in public. Our nation now has more mass shootings than days in the year. It doesn't have to be this way. Our death by gun rate is over 20 times higher than other industrialized countries in the world.

Submitted on: 3/18/2023 9:14:13 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Clifford Chee	Individual	Oppose	Written Testimony Only

Comments:

Please oppose this Bill. The Supreme Court's Bruen decision makes most of this Bill unconstritutional. The lawsuit resulting from this Bill will waste taxpayers hundreds of thousands of dollars. Thank you for your Public service.

Submitted on: 3/18/2023 10:27:24 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sara LaBelle	Individual	Support	Written Testimony Only

Comments:

I am a mother, military spouse, and UH Mānoa graduate student. My family has been stationed in Hawai'i twice. Both times we moved here, I breathed a sigh of relief that we would be safer from guns here than we are on the continent. The Bruen decision has been devastating for those feelings of safety. As a lifetime school volunteer, I have been part of active shooter drills in elementary schools. They are terrifying (even for the grownups who know they are simulations) and traumatize our children. My university has to train me to run, hide, or fight (https://manoa.hawaii.edu/dps/active-shooter/). I just want to learn and research. Our families should not have to live this way. Concealed carry permits increase our collective risks of experiencing gun violence (Smart, R., 2023, online: https://www.rand.org/research/gunpolicy/analysis/concealed-carry/violent-crime.html). I urge you to pass SB1230, SD2 to enact all measures possible to reduce the harm of Bruen with strict licensing procedures and broad sensitive spaces identification. Please keep us as safe as possible. Thank you for your time.
Submitted on: 3/18/2023 11:03:16 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn Lee	Individual	Support	Written Testimony Only

Comments:

I have grave concerns about the impact of the Bruen decision on the safety or Hawaii's residents and visitors. Among other important provisions which I strongly support, **SB1230 SD2** addresses two areas of major concern about how our residents and visitors can remain safe. It ensures that the licensing procedure for concealed guns weeds out individuals who would be a threat to others or themselves. It also sets forth a list of sensitive places where firearms cannot be carried that is comprehensive enough to protect the safety of Hawaii's residents and visitors.

Submitted on: 3/18/2023 11:50:56 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joan White	Individual	Support	Written Testimony Only

Comments:

I have grave concerns about the impact of the Bruen decision on the safety or Hawaii's residents and visitors. Among other important provisions which I strongly support, **SB1230 SD2** addresses two areas of major concern about how our residents and visitors can remain safe. It ensures that the licensing procedure for concealed guns weeds out individuals who would be a threat to others or themselves. It also sets forth a list of sensitive places where firearms cannot be carried that is comprehensive enough to protect the safety of Hawaii's residents and visitors. I urge you to pass this legislation protecting our citizens. It is the least we can do in the face of an immutable approval by the USA Supreme Court. Thank you very much.

Submitted on: 3/18/2023 12:10:18 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carol Maxym	Individual	Support	Written Testimony Only

Comments:

I have grave concerns about the impact of the Bruen decision on the safety or Hawaii's residents and visitors. Among other important provisions which I strongly support, **SB1230 SD2** addresses two areas of major concern about how our residents and visitors can remain safe. It ensures that the licensing procedure for concealed guns weeds out individuals who would be a threat to others or themselves. It also sets forth a list of sensitive places where firearms cannot be carried that is comprehensive enough to protect the safety of Hawaii's residents and visitors.

Submitted on: 3/18/2023 12:44:40 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jane Davis	Individual	Support	Written Testimony Only

Comments:

I have grave concerns about the impact of the Bruen decision on the safety or Hawaii's residents and visitors. Among other important provisions which I strongly support, **SB1230 SD2** addresses two areas of major concern about how our residents and visitors can remain safe. It ensures that the licensing procedure for concealed guns weeds out individuals who would be a threat to others or themselves. It also sets forth a list of sensitive places where firearms cannot be carried that is comprehensive enough to protect the safety of Hawaii's residents and visitors.

Submitted on: 3/18/2023 2:09:14 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Au Doyle	Individual	Support	Written Testimony Only

Comments:

March 18, 2023

SUPPORT SB 1230 HD2

Aloha,

Please pass SB 1230 HD2 out of committee. This bill addresses two key areas of major concern about how our residents and visitors can remain safe in the wake of the Bruen decision by the Supreme Court. First, it makes it less likely that individuals who would present a threat to themselves or others would be licensed to carry concealed guns. Second, it sets forth a comprehensive list of sensitive places statewide where firearms cannot be carried. These provisions together will increase the safety of Hawaii's residents and visitors.

Please support HB 984 HD2.

Thank you for the opportunity to testify.

<u>SB-1230-SD-2</u>

Submitted on: 3/18/2023 2:41:04 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Karen Sullivan	Individual	Support	Written Testimony Only

Comments:

Dear Senate Members,

I strongly support SB1230 SD2. It ensures that the licensing procedure for concealed guns weeds out individuals who would be a threat to others. We have to keep our families and loved ones safe.

much aloha, Karen Sullivan

Submitted on: 3/18/2023 3:37:46 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gaye Chan	Individual	Support	Written Testimony Only

Comments:

I have grave concerns about the impact of the Bruen decision on the safety or Hawaii's residents and visitors. Among other important provisions which I strongly support, **SB1230 SD2** addresses two areas of major concern about how our residents and visitors can remain safe. It ensures that the licensing procedure for concealed guns weeds out individuals who would be a threat to others or themselves. It also sets forth a list of sensitive places where firearms cannot be carried that is comprehensive enough to protect the safety of Hawaii's residents and visitors.

Submitted on: 3/18/2023 4:40:14 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Taylor	Individual	Support	Written Testimony Only

Comments:

It is SOOO important that SB1230 SD2 be passed. Licensing will be a huge step toward insuring the safety of our resident and visitors alike. I urge your support of this important and critical piece of legislation.

Thank you for your consideration of my thoughts.

Submitted on: 3/18/2023 5:08:32 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anderson O'Mealy	Individual	Support	Written Testimony Only

Comments:

I have grave concerns about the impact of the Bruen decision on the safety or Hawaii's residents and visitors. Among other important provisions which I strongly support, **SB1230 SD2** addresses two areas of major concern about how our residents and visitors can remain safe. It ensures that the licensing procedure for concealed guns weeds out individuals who would be a threat to others or themselves. It also sets forth a list of sensitive places where firearms cannot be carried that is comprehensive enough to protect the safety of Hawaii's residents and visitors.

<u>SB-1230-SD-2</u> Submitted on: 3/18/2023 5:18:26 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Wendy Nguyen	Individual	Oppose	Written Testimony Only

Comments:

Second Amendment

Second Amendment Explained

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.

Are all laws that are repugnant to the constitution void?

"Any and all laws that are in conflict with the Constitution are invalid and of no force or effect." (The case of Marbury v. Madison was heard in 1803) Every legislation that is in accordance with the Constitution will have been enacted in order to carry out the powers that were provided by the Constitution.

<u>SB-1230-SD-2</u> Submitted on: 3/18/2023 5:18:57 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anne Anderson	Individual	Comments	Written Testimony Only

Comments:

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee:

S.B. 1230, S.D.2 ("S.B.1230") addresses the carrying of concealed firearms in: 1) sensitive locations and 2) private property of another person without authorization. While I agree with the intent of S.B. 1230, I urge the Committee to amend it to provide protection to persons living in condominiums and owners of fee simple private property.

The provisions that refer to sensitive locations do not apply to condominiums. Condominiums would fall under private property. However, the last amendment to the bill changed the definition of "private property of another person without authorization" to exclude "an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property." This change can be read to mean that owners (and possibly tenants) of condominium units may carry concealed weapons on the common elements of the condominiums, without any restrictions. In other words, it would allow angry owners to carry concealed weapons when visiting the resident manager's office to complain about a fine or when attending an on-site board meeting or annual association meeting. This will endanger the health, safety, and welfare of all persons while on the common elements of condominiums.

I urge the committee to amend the bill to either add the common elements of condominiums to the definition of "sensitive areas" or allow condominium associations to adopt rules regulating the carrying of weapons, concealed or otherwise, on the common elements. At the very least, the right to carry weapons on the common elements should be limited to ingress and egress to the owner's or tenant's unit, using the most direct path, with no loitering.

Additionally, as drafted, the reference to private property in the bill appears to apply only to private property "that is leased." The bill previously provided that "private property of another person without authorization" means property that is privately "owned or leased." However, it was amended so that it now refers to "residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased," subject to certain exceptions. The words "that is privately leased" as used in the current definition appear to modify the words "residential, commercial, industrial, agricultural, institutional, or undeveloped property." As such, the current definition appears to exclude fee simple private property from the definition of "private property of another person without authorization." This was surely a mistake as there is

no good reason to exclude fee simple property. I urge the committee to amend the bill to include both leasehold and fee simple property in the definition of "private property of another person without authorization."

Respectfully submitted,

Anne Anderson

<u>SB-1230-SD-2</u> Submitted on: 3/18/2023 5:44:18 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
I. Robert Nehmad	Individual	Support	Written Testimony Only

Comments:

I am a resident of the City & County of Honolulu and I support this Bill

I hope that you also support and vote for this Bill

<u>SB-1230-SD-2</u> Submitted on: 3/18/2023 6:12:36 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John Toalson	Individual	Comments	Written Testimony Only

Comments:

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee:

1. 1230, S.D.2 ("S.B.1230") addresses the carrying of concealed firearms in: 1) sensitive locations and 2) private property of another person without authorization. While I agree with the intent of S.B. 1230, I urge the Committee to amend it to provide protection to persons living in condominiums and owners of fee simple private property.

The provisions that refer to sensitive locations do not apply to condominiums. Condominiums would fall under private property. However, the last amendment to the bill changed the definition of "private property of another person without authorization" to exclude "an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property." This change can be read to mean that owners (and possibly tenants) of condominium units may carry concealed weapons on the common elements of the condominiums, without any restrictions. In other words, it would allow angry owners to carry concealed weapons when visiting the resident manager's office to complain about a fine or when attending an on-site board meeting or annual association meeting. This will endanger the health, safety, and welfare of all persons while on the common elements of condominiums.

I urge the committee to amend the bill to either add the common elements of condominiums to the definition of "sensitive areas" or allow condominium associations to adopt rules regulating the carrying of weapons, concealed or otherwise, on the common elements. At the very least, the right to carry weapons on the common elements should be limited to ingress and egress to the owner's or tenant's unit, using the most direct path, with no loitering.

Additionally, as drafted, the reference to private property in the bill appears to apply only to private property "that is leased." The bill previously provided that "private property of another person without authorization" means property that is privately "owned or leased." However, it was amended so that it now refers to "residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased," subject to certain exceptions. The words "that is privately leased" as used in the current definition appear to modify the words "residential, commercial, industrial, agricultural, institutional, or undeveloped property." As such, the current definition appears to exclude fee simple private property from the definition of "private property of another person without authorization." This was surely a mistake as there is no good reason to exclude fee simple property. I urge the committee to amend the bill to include both leasehold and fee simple property in the definition of "private property of another person without authorization."

Respectfully submitted,

John Toalson

<u>SB-1230-SD-2</u>

Submitted on: 3/18/2023 6:27:34 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

The right to bear arms is not absolute. Reasonable restrictions to protect the health and safety of the public are appropriate and warranted given the epidemic of mass shootings and alarming growth in gun-related deaths here in Hawai'i, which increased 21% between 2009 and 2018, faster than the national average of 19%.

Despite this growth, Hawai'i still had the 50th lowest per capita gun violence rate over that same period, and this is because of our strict gun laws. Our tight restrictions on gun use have served us well for decades, and many of us grew up with little fear of gun violence suddenly erupting in schools, or churches or government buildings. But times are changing, and the pro-gun movement of the continent has come to Hawai'i. We need to do everything within the power of the state to keep guns well-regulated in Hawai'i, as the 2nd Amendment always intended.

Submitted on: 3/18/2023 7:32:07 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dawn Morais Webster Ph.D.	Individual	Support	Written Testimony Only

Comments:

I have grave concerns about the impact of the Bruen decision on the safety or Hawaii's residents and visitors. Among other important provisions which I strongly support, **SB1230 SD2** addresses two areas of major concern about how our residents and visitors can remain safe. It ensures that the licensing procedure for concealed guns weeds out individuals who would be a threat to others or themselves. It also sets forth a list of sensitive places where firearms cannot be carried that is comprehensive enough to protect the safety of Hawaii's residents and visitors.

I hope those sensitive places includes restaurants where families gather for a peaceful meal, not an encounter with gun-toting individuals. Please move this bill forward. Mahalo.

<u>SB-1230-SD-2</u> Submitted on: 3/18/2023 8:20:10 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ramiro Noguerol	Individual	Oppose	Written Testimony Only

Comments:

oppose

Submitted on: 3/18/2023 8:21:28 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barry Aoki	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE this bill in its entirety. This bill drives right over the right to bear arms and then backs over it again to make sure the 2nd Amendment is not exercised by the citizens of Hawaii. This bill allows government to be subjective in evaluating an applicant if they are worthy. Ironically this is why the 2nd Amendment was documented. Why do our lawmakers want to brand law abiding citizens who want to exercise their constitutional right to bear arms as potential mass shooters? So far, I haven't heard of a mass shooter who had a concealed weapon permit to carry out the harm they inflicted on unarmed citizens.

Please OPPOSE in its entirety.

Barry Aoki of Lahaina, Maui, HI

<u>SB-1230-SD-2</u> Submitted on: 3/18/2023 8:26:10 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nadine Ferraro	Individual	Support	Written Testimony Only

Comments:

I support SB1230

<u>SB-1230-SD-2</u> Submitted on: 3/18/2023 9:34:38 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Markos Cabaong	Individual	Comments	Written Testimony Only

Comments:

I strongly oppose this bill.

It does not stop the problem of a bad person committing a crime . Criminals will not heed this or any law to carry out their bad intentions. It will only hamper and restrict the law abiding citizens from defending their family, friends and loved ones, should they need to... and these are the very ones that this bill will affect. Enforce the laws that are already on the books, restrict those that need to be restricted and stop the violation of our Second Amendment Rights!

Sincerely and Respectfully,

Markos Cabaong

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee:

S.B. 1230, S.D.2 ("S.B.1230") addresses the carrying of concealed firearms in: 1) sensitive locations and 2) private property of another person without authorization. While I agree with the intent of S.B. 1230, I urge the Committee to amend it to provide protection to persons living in condominiums and owners of fee simple private property.

The provisions that refer to sensitive locations do not apply to condominiums. Condominiums would fall under private property. However, the last amendment to the bill changed the definition of "private property of another person without authorization" to exclude "an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property." This change can be read to mean that owners (and possibly tenants) of condominium units may carry concealed weapons on the common elements of the condominiums, without any restrictions. In other words, it would allow angry owners to carry concealed weapons when visiting the resident manager's office to complain about a fine or when attending an on-site board meeting or annual association meeting. This will endanger the health, safety, and welfare of all persons while on the common elements of condominiums.

I urge the committee to amend the bill to either add the common elements of condominiums to the definition of "sensitive areas" or allow condominium associations to adopt rules regulating the carrying of weapons, concealed or otherwise, on the common elements. At the very least, the right to carry weapons on the common elements should be limited to ingress and egress to the owner's or tenant's unit, using the most direct path, with no loitering.

Additionally, as drafted, the reference to private property in the bill appears to apply only to private property "that is leased." The bill previously provided that "private property of another person without authorization" means property that is privately "owned or leased." However, it was amended so that it now refers to "residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased," subject to certain exceptions. The words "that is privately leased" as used in the current definition appear to modify the words "residential, commercial, industrial, agricultural, institutional, or undeveloped property of another person without authorization." This was surely a mistake as there is no good reason to exclude fee simple property. I urge the committee to amend the bill to include both leasehold and fee simple property in the definition of "private property of another person without authorization."

Respectfully submitted,

<u>SB-1230-SD-2</u> Submitted on: 3/18/2023 10:29:06 PM

Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryota Takuma	Individual	Oppose	Written Testimony Only

Comments:

I oppose the introduced bill SB1230 SD2 in all of its proposed laws that infringes on lawful citizens of the United States and Permanent Resident Aliens on our right to own firearms and use on any grounds to defend others and themselves. The multitude of requirements proposed in this bill negatively affects the public should criminals exploit or deliberate break any of all the laws set, while firearm owners cannot effectively save anyone in such situations of sensitive places, public transportations, places of business and more. The proposed bill on Mandatory Insurance should be optional for the firearm owners as similar to life insurance should owners need time and money to choose what is right for them instead of a mandatory requirement. Public transportation such as The Bus should also be allowed as there can be situations in which a firearm owner cannot utilize thier own vehicles and needs to use The Bus to commute to work instead of thier own vehicle. The bill rather endagers the public than guarenteeing public safeties with these limitations set on lawful firearm owners. SB1230 SD2 is a bill that I strongly oppose.

Submitted on: 3/18/2023 10:29:57 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eric Kaneshiro	Individual	Oppose	Written Testimony Only

Comments:

SB 1230 overly restricts the right-to-carry in Hawaii. It massively expands "gun-free zones" where law-abiding citizens are left defenseless. The carrying of defensive firearms on private property should be permitted unless the owner denies permission. It contains subjective criteria for the issuance of carry permits to allow authorities to arbitrarily deny applicants.

Mahalo

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 1:34:21 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
diane chen Koch-weser	Individual	Support	Written Testimony Only

Comments:

I fully support **SB1230 SD2.**

respectfully

diane chen koch-weser

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 2:31:42 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carla Allison	Individual	Support	Written Testimony Only

Comments:

My name is Carla Allison & I strongly support SB1230 SD2. I ask that you all do the same. Thank you.

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 6:34:26 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lance S. Fujisaki	Individual	Comments	Written Testimony Only

Comments:

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee:

S.B.1230, S.D.2 ("S.B.1230") addresses the carrying of concealed firearms in: 1) sensitive locations and 2) private property of another person without authorization. While I agree with the intent of S.B. 1230, I urge the Committee to amend it to provide protection to persons living in condominiums and owners of fee simple private property.

The provisions that refer to sensitive locations do not apply to condominiums. Condominiums would fall under private property. However, the last amendment to the bill changed the definition of "private property of another person without authorization" to exclude "an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property." This change can be read to mean that owners (and possibly tenants) of condominium units may carry concealed weapons on the common elements of the condominiums, without any restrictions. In other words, it would allow angry owners to carry concealed weapons when visiting the resident manager's office to complain about a fine or when attending an on-site board meeting or annual association meeting. This will endanger the health, safety, and welfare of all persons while on the common elements of condominiums.

I urge the committee to amend the bill to either add the common elements of condominiums to the definition of "sensitive areas" or allow condominium associations to adopt rules regulating the carrying of weapons, concealed or otherwise, on the common elements. At the very least, the right to carry weapons on the common elements should be limited to ingress and egress to the owner's or tenant's unit, using the most direct path, with no loitering.

Additionally, as drafted, the reference to private property in the bill appears to apply only to private property "that is leased." The bill previously provided that "private property of another person without authorization" means property that is privately "owned or leased." However, it was amended so that it now refers to "residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased," subject to certain exceptions. The words "that is privately leased" as used in the current definition appear to modify the words "residential, commercial, industrial, agricultural, institutional, or undeveloped property." As such, the current definition appears to exclude fee simple private property from the definition of "private property of another person without authorization." This was surely a mistake as there is

no good reason to exclude fee simple property. I urge the committee to amend the bill to include both leasehold and fee simple property in the definition of "private property of another person without authorization."

Respectfully submitted,

Lance Fujisaki

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 8:34:02 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
gabrielle davidson	Individual	Support	Written Testimony Only

Comments:

I strongly support SB1230 SD2. Thank you!

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 8:41:51 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kanani Kai	Individual	Support	Written Testimony Only

Comments:

I support SB 1230 SD2.

Kanani Kai

Submitted on: 3/19/2023 8:53:15 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alice Abellanida	Individual	Oppose	Written Testimony Only

Comments:

This bill is an egregious attack on the Constitutional right to bear arms. These tyrannical laws are not going to stop criminals. Americans have the legal right to carry for self defense. Hawaii is becoming a communist state, stripping us of our freedoms. I strongly oppose this bill.

Submitted on: 3/19/2023 9:20:01 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maggie Foley	Individual	Support	Written Testimony Only

Comments:

As a teacher, I feel it is very important to limit who has access to concealed carry. I have myself felt threatened by parents who are having personal issues and need someone to blame. I want to make sure that we require those carrying guns to pass mental health requirements. I also hope that we can limit areas where people may carry. It may be someone's right to carry a weapon but it should also be my right to feel safe at my job and in my community.

Submitted on: 3/19/2023 9:40:50 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Esther Geil	Individual	Support	Written Testimony Only

Comments:

Please pass this bill to help protect us !!!!!

Because the Bruen case decreed that Hawaii must allow people to carry concealed guns outside the home, it is VITAL to the safety of Hawaii's residents and visitors to pass HB984 HD2 to set clear requirements for:

—who is, and is not, eligible to carry a gun in public

—how our county chiefs of police can assure that permits for concealed carry are approved only after a thorough background and mental health review

—locations where people who get permits to carry guns in public can and cannot carry those guns

Thank you so much for helping us be safer !!!!

<u>SB-1230-SD-2</u>

Submitted on: 3/19/2023 10:03:56 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Blaine Stuart	Individual	Oppose	Written Testimony Only

Comments:

This bill has so many problems that they are too numerous to mention. The first problem is literally in the first sentence. It describes a "compelling government interest" to enact these second amendment restrictions. However, a "compelling government interest" is no longer sufficent in the wake of the NYSRPA v Bruen decision. The legal test for the government is that they must show an analogous legal restriction in the history, text and tradition of the Second Amendment when it was ratified in 1791. That's it. It's a very high bar, and the this bill admits it doesn't understand that in the first sentence.

Here are some additional problems:

- Sensative places are much too broad. The only sensative place restrictions that existed in 1791 were restrictions on polling places, courthouses, some government buildings, and students in a school. That's all that will resist a legal challenge.
- Insurance cannot be required to exercise a God given civil right. This isn't analogous to drivers licenses. Driving isn't a Constitutionally protected civil right.
- Affirmative permission to carry on private property open to the public has been preliminarily enjoined in every state and federal court in states that have attempted it post-Bruen.
- Character requirements are subjective criteria that are expressly prohibited in the Bruen decision.
- I can loan any personal property that I lawfully own to anyone else that can legally possess that item. There is no historical analog restricting the loaning of firearms.
- This bill only allows residents of Hawaii to carry. The Forteenth Amendment specifically states: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;" this includes the Constitutional right to bear firearms.
- This bill grants special rights to individuals that work in certain occupations like a security guard. There's nothing in the history, text and tradition of the Second Amendment that grants special rights to specific occupations.

I only got to page forty before I realized that if somehow this bill passes into law, then civil rights activists will easily and immediately enjoin it from ever taking effect.

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 10:10:41 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ralph Cushnie	Individual	Oppose	Written Testimony Only

Comments:

Hi I am against this bill. It violates the Hawaii State Constitution and the United States Constitution.
Submitted on: 3/19/2023 10:13:02 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mina Connor	Individual	Support	Written Testimony Only

Comments:

I support SB1230 SD2

Please help protect the citizens and good people of Hawaii and pass clear rules and regulations for concealed firearms.

Hawaii is unique from other states and I feel our safety and community are at risk if we do not take action to clarify restrictions of this federal law.

Thank you so very much for your time and attention. I appreciate your efforts and diligence in this matter.

Aloha!

Mina Connor, DVM

Honolulu, HI

Submitted on: 3/19/2023 10:35:32 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Hechtman	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose bill SB1230!

It is obviously designed to discourage/ prevent law abiding citizens from concealed carry of a fire arm for self defense.

It is intact a de facto ban and in direct contradiction of both the 2nd amendment and the recent Bruen decision.

It will not hinder criminals or deter them from carrying illegally as they don't follow the laws anyway. This bill will not make our communities safer. In fact it will have the opposite effect. Decent people will not be allowed a means to protect themselves and be easy prey to criminals. Look at the recent rise in violent crimes the past few years.

Please vote against this bill.

Aloha, Robert Hechtman

Submitted on: 3/19/2023 10:41:03 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Marker	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

I support SB 1230 SD 2 that addresses our public health and safety by establishing sensitive areas where firearms cannot be carried by individuals. I support the amendments that have been made on the list of sensitive areas; who is disqualified to own, possess, and control a firearm; and, who are health care providers qualified to provide information on firearms applicants. Through amendments made, this bill addresses important processes and requirements and establishes the penalties for violations.

Thank you for your consideration of this bill.

Sincerely,

Nancy Marker

Submitted on: 3/19/2023 10:43:40 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Valerie Y O Kim	Individual	Support	Written Testimony Only

Comments:

I have grave concerns about the impact of the Bruen decision on the safety or Hawaii's residents and visitors. Among other important provisions which I strongly support, **SB1230 SD2** addresses two areas of major concern about how our residents and visitors can remain safe. It ensures that the licensing procedure for concealed guns weeds out individuals who would be a threat to others or themselves. It also sets forth a list of sensitive places where firearms cannot be carried that is comprehensive enough to protect the safety of Hawaii's residents and visitors.

Submitted on: 3/19/2023 10:59:39 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Wayne Asam	Individual	Oppose	Written Testimony Only

Comments:

Hello,

I very much oppose this bill. It is a fundamental right "to keep and bear arms" outside your home post Bruen. Please stop wasting tax payer money with these bills/laws that infringe our rights and will ultimately loose in court.

Wayne Asam

Submitted on: 3/19/2023 11:31:31 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carol Walker	Individual	Oppose	Written Testimony Only

Comments:

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee:

1. 1230, S.D.2 ("S.B.1230") addresses the carrying of concealed firearms in: 1) sensitive locations and 2) private property of another person without authorization. While I agree with the intent of S.B. 1230, I urge the Committee to amend it to provide protection to persons living in condominiums and owners of fee simple private property.

The provisions that refer to sensitive locations do not apply to condominiums. Condominiums would fall under private property. However, the last amendment to the bill changed the definition of "private property of another person without authorization" to exclude "an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property." This change can be read to mean that owners (and possibly tenants) of condominium units may carry concealed weapons on the common elements of the condominiums, without any restrictions. In other words, it would allow angry owners to carry concealed weapons when visiting the resident manager's office to complain about a fine or when attending an on-site board meeting or annual association meeting. This will endanger the health, safety, and welfare of all persons while on the common elements of condominiums.

I urge the committee to amend the bill to either add the common elements of condominiums to the definition of "sensitive areas" or allow condominium associations to adopt rules regulating the carrying of weapons, concealed or otherwise, on the common elements. At the very least, the right to carry weapons on the common elements should be limited to ingress and egress to the owner's or tenant's unit, using the most direct path, with no loitering.

Additionally, as drafted, the reference to private property in the bill appears to apply only to private property "that is leased." The bill previously provided that "private property of another person without authorization" means property that is privately "owned or leased." However, it was amended so that it now refers to "residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased," subject to certain exceptions. The words "that is privately leased" as used in the current definition appear to modify the words "residential, commercial, industrial, agricultural, institutional, or undeveloped property." As such, the current definition appears to exclude fee simple private property from the definition of "private property of another person without authorization." This was surely a mistake as there is no good reason to exclude fee simple property. I urge the committee to amend the bill to include both leasehold and fee simple property in the definition of "private property of another person without authorization."

Respectfully Submitted,

Carol Walker

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 11:38:50 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Melissa Fisher	Individual	Support	Written Testimony Only

Comments:

I support SB1230 SD2

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 11:50:22 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diann Karin Lynn	Individual	Support	Written Testimony Only

Comments:

I absolutely support SB1230. Please keep Hawaii safe.

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 11:55:38 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elisabeth Sherman	Individual	Support	Written Testimony Only

Comments:

I support SB1230 SD2 & hope you will too.

Mahalo,

Elisabeth

Submitted on: 3/19/2023 12:11:35 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Salm	Individual	Support	Written Testimony Only

Comments:

I have grave concerns about the impact of the Bruen decision on the safety or Hawaii's residents and visitors. Among other important provisions which I strongly support, **SB1230 SD2** addresses two areas of major concern about how our residents and visitors can remain safe. It ensures that the licensing procedure for concealed guns weeds out individuals who would be a threat to others or themselves. It also sets forth a list of sensitive places where firearms cannot be carried that is comprehensive enough to protect the safety of Hawaii's residents and visitors.

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 12:31:58 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
PAMELA SUMMERS	Individual	Support	Written Testimony Only

Comments:

I support SB1230 SD2

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 12:36:23 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Judith Ann Armstrong	Individual	Support	Written Testimony Only

Comments:

I support SB1230 SD2

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 12:54:59 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ernesto Bonilla	Individual	Oppose	Written Testimony Only

Comments:

I vehemently oppose!!

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 1:00:32 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dirck Sielken	Individual	Oppose	Written Testimony Only

Comments:

I oppsw this bill as written.

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 1:00:45 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anna Marie Bonilla	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 1:38:26 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Tanaka	Individual	Oppose	Written Testimony Only

Comments:

It's going to create more problems and breaks more laws this way

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 1:42:47 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Comments	Written Testimony Only

Comments:

We cannot have people bearing firearms loose on our streets. There must be due consideration of who they are, whether they are qualified to carry the firearms, if they will use them in public, etc. I was in full support of this previous versions of this bill. In them, "private property, including but not limited to residential," was included. Now it has disappeared. Poof. It needs to reappear. Presto changeo.

I live in a high rise fee simple condo in Honolulu, with at least 1,000 residents, infants to centenarians, hundreds of dogs, plus visitors, contractors, workers, passing through daily. I am very concerned about people with firearms transversing the halls and riding the elevators, where we are trapped in transit with other riders. In previous versions, unless the property allows it, persons carrying guns are not allowed on property. That is important for our safety.

As drafted, SD2 appears to allow owners and tenants of condominium units to carry concealed weapons while on the condominium's common elements, without restriction. This is scary because it appears to allow owners and tenants to carry concealed weapons to the resident manager's office when they go to complain about a fine or anything else. What if a gun is pulled and a pet dog attacks the miscreant? How many will die? It appears also to allow owners to carry concealed weapons when attending Board meetings or annual association meetings held on the common elements. At least four board members own dogs. What if those dogs react? Who dies? Who dies? Who gets sued? Additionally, while the bill provides protection against concealed weapons on private property of others without consent, the most recent amendment to the definition of private property seems to exclude fee simple property. Hopefully this was a drafting error. It needs to be corrected.

Three people work in our resident manager's office. In the past we have had residents, owners and renters, block the door way, trapping the employees inside. We have had residents lose their temper, throw furniture, etc. Allowing guns is not an option. Think of all the homicides on the mainland, in offices, supermarkets, etc. Many have died. We cannot have that happen here. Board meetings and committee meetings, when not on zoom, also take place in this office. We cannot have people murdered because we are a fee simple property. We cannot have board members resign if the drafting error is not corrected. None of us will put ourselves at risk. We also had trespassers in the garage, and when confronted by staff, one pulled a firearm. Fortunately no one was hurt.

The provisions that refer to sensitive locations do not apply to condominiums. Condominiums would fall under private property. However, the last amendment to the bill changed the definition of "private property of another person without authorization" to exclude "an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property." This change can be read to mean that owners (and possibly tenants) of condominium units may carry concealed weapons on the common elements of the condominiums, without any restrictions. In other words, it would allow angry owners to carry concealed weapons when visiting the resident manager's office to complain about a fine or when attending an on-site board meeting or annual association meeting. This will endanger the health, safety, and welfare of all persons while on the common elements of condominiums.

I urge the committee to amend the bill to either add the common elements of condominiums to the definition of "sensitive areas" or allow condominium associations to adopt rules regulating the carrying of weapons, concealed or otherwise, on the common elements. At the very least, the right to carry weapons on the common elements should be limited to ingress and egress to the owner's or tenant's unit, using the most direct path, with no loitering.

Additionally, as drafted, the reference to private property in the bill appears to apply only to private property "that is leased." The bill previously provided that "private property of another person without authorization" means property that is privately "owned or leased." However, it was amended so that it now refers to "residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased," subject to certain exceptions. The words "that is privately leased" as used in the current definition appear to modify the words "residential, commercial, industrial, agricultural, institutional, or undeveloped property." As such, the current definition appears to exclude fee simple private property from the definition of "private property of another person without authorization." This was surely a mistake as there is no good reason to exclude fee simple property. I urge the committee to amend the bill to include both leasehold and fee simple property in the definition of "private property of another person without authorization."

Submitted on: 3/19/2023 2:42:41 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bonnie Tokita	Individual	Support	Written Testimony Only

Comments:

I support SB1230 SD2. More guns do not make Hawaii safer. They might make certain individuals feel safer, but they do not actually make it safer for the majority of us who do not carry guns around.

Submitted on: 3/19/2023 3:06:30 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marianne Whiting	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill and encourage your support as well. I am very concerned and uncomfortable not having these safeguards in place as suggested in this bill for the carrying of firearms. Thank you.

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 3:58:26 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Beth Anderson	Individual	Support	Written Testimony Only

Comments:

I strongly support SB1230. I have grave concerns since the Bruen case decreed Hawaii must allow people to carry concealed weapons. The Bruen decision endangers lives. Statistics bear this out. States with more guns and less restrictive gun laws, as this case decrees, have higher rates of gun violence. It is as simple as that and for that reason we must to do all we can to lessen the impact of the Bruen decision on our state and minimize its threat to the safety of Hawaii residents and visitors.

Importantly, SB1230 addresses two major areas of concern about how our residents and visitors can remain safe. It ensures that the licensing procedure for concealed guns weeds out individuals who would be a threat to themselves or others. It also sets forth a list of sensitive places where firearms cannot be carried that is comprehensive enough to protect the safety of Hawaii's residents and visitors. Gun culture is not a culture of aloha.

We know that many mass shooters and people who commit gun violence in domestic abuse situations, have obtained guns legally. Mental health checks are critically necessary before anyone is issued a gun permit and allowed to purchase a firearm. An individual's mental health status is not a constant. Someone's mental health status can change overnight making them a danger to themselves or others, and someone who should not be entrusted with a firearm. Because of this, mental health checks should be required at least every six months. It's just too big of a risk to allow someone to have a firearm and assume they will be a responsible, mentally stable person throughout the time they have been issued a permit.

I agree with all of the following provisions contained within this legislation to ensure the safety and well-being of Hawaii residents and visitors—" Prohibits issuing authorities from issuing permits to acquire the ownership of a firearm to any person where the issuance would not be in the interest of the public health, safety, or welfare because the person is found to be lacking the essential character or temperament necessary to be entrusted with a firearm. Requires issuing authorities to consider the risks associated with firearms in the home and consider the likelihood an applicant would bring the firearm outside of the home to engage in violence or carry unlawfully in public. Increases requirements for applicants seeking a license to carry a firearm. Sets minimum requirements for applications for a license to carry a concealed firearm. Establishes the crime of carrying a firearm in sensitive locations. Defines sensitive location. Requires licenses to carry concealed firearms be revoked if certain conditions are met. Requires the Attorney General to publish an annual report on licenses to carry firearms. Requires firearms be kept in a locked container and out of plain view when in an unattended vehicle. Defines locked container and makes conforming amendments. Amends the definition of "crime of violence" to include additional crimes. Requires a person carrying a firearm in public pursuant to a license to maintain insurance coverage. Establishes a duty to maintain possession of a license while carrying a firearm. Establishes a duty to disclose that a person is carrying a firearm when stopped by a law enforcement officer. Establishes an appeals process for the denial or revocation of an application for a permit to acquire the ownership of a firearm or to carry a concealed firearm. Allows county police departments to conduct criminal history record checks for licenses to carry a firearm." These are vitally important requirements and regulations. that should be supported.

Thank you for working to keep Hawaii residents and visitors safe.

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 3:59:10 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Younghee Overly	Individual	Support	Written Testimony Only

Comments:

I support SB1230 SD2 to keep Hawaii safe from the gun violence.

<u>SB-1230-SD-2</u>

Submitted on: 3/19/2023 4:00:03 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Nelson	Individual	Support	Written Testimony Only

Comments:

I support Hawaii's efforts to continue taking vigorous precautions to protect public safety even while complying with the US Supreme Court's decision regarding a Second Amendment right to carry firearms in public. Our nation now has more mass shootings than days in the year. It does not have to be this way. Our death by gun rate is over 20 times higher than other industrialized nations in the world.

Thank you for helping do everything you can to create laws that protect from injuries and deaths caused by firearms.

Elizabeth Nelson

JANE SUGIMURA Aiea, Hawaii 96701

March 19, 2023

Rep. David A. Tarnas Rep. Gregg Takayama House Committee on Judiciary & Hawaiian Affairs

Re: SB1230, SD2 Firearms. (Amendment) Tuesday, March 21, 2023, 2 p.m. Conf. Room 325

Chair Tarnas, Vice-Chair Takayama and Members of the Committee:

S.B. 1230, S.D.2 ("S.B.1230") addresses the carrying of concealed firearms in: 1) sensitive locations and 2) private property of another person without authorization. I urge the Committee to amend it to provide protection to persons living in condominiums and owners of fee simple private property.

The provisions that refer to sensitive locations do not appear to apply to condominiums. Condominiums would fall under private property. However, the last amendment to the bill changed the definition of "private property of another person without authorization" to exclude "an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property." This change can be read to mean that owners (and possibly tenants) of condominium units may carry concealed weapons on the common elements of the condominiums, without any restrictions. *In other words, it would allow angry owners to carry concealed weapons when visiting the resident manager's office to complain about a fine or when attending an on-site board meeting or annual association meeting. This will endanger the health, safety, and welfare of all persons while on the common elements of condominiums.*

I urge the committee to amend the bill to either add the common elements of condominiums to the definition of "sensitive areas" or allow condominium associations to adopt rules regulating the carrying of weapons, concealed or otherwise, on the common elements. At the very least, the right to carry weapons on the common elements should be limited to ingress and egress to the owner's or tenant's unit, using the most direct path, with no loitering.

Additionally, as drafted, the reference to private property in the bill appears to apply only to private property "that is leased." The bill previously provided that "private property of another person without authorization" means property that is privately "owned or leased." However, it was amended so that it now refers to "residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased," subject to certain exceptions. The words "that is privately leased" as used in the current definition appear to modify the words "residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased property the words "residential, commercial, industrial, agricultural, institutional, or undeveloped property that be current definition appears to modify the words "residential, commercial, industrial, agricultural, institutional, or undeveloped property." As such, the current definition appears to exclude fee simple private

property from the definition of "private property of another person without authorization." This was surely a mistake as there is no good reason to exclude fee simple property. I urge the committee to amend the bill to include both leasehold and fee simple property in the definition of "private property of another person without authorization."

Respectfully submitted,

Jane Sugimura

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 4:33:38 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Raymond Ishii	Individual	Oppose	Written Testimony Only

Comments:

Aloha

My name is Raymond Ishii and I am a retired Sergeant with the State of Hawaii Sheriff's Division, and I STRONGLY OPPOSE SB 1230 SD2 as written.

My 32 years of experience dealing with criminals has taught me that criminal do not respect or obey the law, and they view ordinary law abiding citizens as prey. The recent United States Supreme Court decision of NY VS BRUEN ruled the carry of a pistol outside of the the home is a constitutional right. This bill is an attack on our 2nd amendment right to keep and bear arm that was given to us by our creator and guaranteed by the Bill of Right.

With the recent trend of defunding the Police, catch and release of criminal. I've noticed an increase of violent crime in the state because the criminals do not fear any repercussion for their actions. Not arrest or conviction, not the legal use of self defense by the Law Abiding Citizen of this great state.

The NY VS BRUEN has forced the state to recognize our god given right to keep and bear arms, and the state by introducing this bill is attempting to negate the rights of the law abiding citizens to protect themselves from the criminals who view them as prey.

I strongly oppose this bill and ask you to vote no.

Thank You

Submitted on: 3/19/2023 5:28:17 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rodney Salm	Individual	Support	Written Testimony Only

Comments:

I have grave concerns about the impact of the Bruen decision on the safety or Hawaii's residents and visitors. Among other important provisions which I strongly support, **SB1230 SD2** addresses two areas of major concern about how our residents and visitors can remain safe. It ensures that the licensing procedure for concealed guns weeds out individuals who would be a threat to others or themselves. It also sets forth a list of sensitive places where firearms cannot be carried that is comprehensive enough to protect the safety of Hawaii's residents and visitors.

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 5:54:47 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lori Kizer	Individual	Support	Written Testimony Only

Comments:

I support SB1230 SD2. Mahalo.

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 6:56:57 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vincent r Golio	Individual	Oppose	Written Testimony Only

Comments:

oppose. I appreciate that you people are FINALLY starting to pay attention to what THE PEOPLE are saying. Keep it up or get out.

RELATING TO THE PUBLIC CARRY OF FIREARMS

I am here today to request less restrictions for us qualified civilians -- concealed carry weapons (CCW) permit holders -- to carry firearms concealed and non-concealed (open carry)...especially women. Women are far more likely to be victims of violent crime, and far less likely to be perpetrators of violent crime.

Especially female CCW permit holders should not have any sensitive area restrictions. And if you keep any sensitive places, then they should only be those that have magnetometers to keep out all guns, which are places like airports and courthouses. And even in these places like airport sand courthouses, there should be private lock boxes provided to secure firearms, like how the US Federal Court house, provides law enforcement officers a secure their firearms.

Almost exclusively, law enforcement has not responded quick enough to stop violent crime, because it predominantly happens much too quickly. Usually, victims are not even able to call 9-1-1 soon enough for police to arrive before violent injury occurs.

This just this past February 1, 2023, at approximately 9:00 am, Mililani Walmart parking lot, Desmond Kekahuna intentionally ran over a woman who was pushing her baby in a stroller. Attacker then proceeded to attack this woman and a man who came to her aid, leaving them both in critical condition.

The idea that low Honolulu crime (which is debatable), and that Honolulu is "safe-enough," should not violate our US Constitution rights to keep and bear (i.e., carry) a concealed weapon. This low-crime argument suggests that this attack in the Mililani Walmart is rare enough to be perfectly acceptable. Your CCW restrictions leaves victims like these entirely defenseless.

The proposed ban prohibits qualified citizens from carrying in all the listed locations in effect is a "back door ban" or "disguised ban" that violates our US Federal Constitutional Rights. There is nothing "sensitive" about these places. These places that you deem "sensitive" are mundane and a part of normal everyday life. Qualified CCW permit holders literally cannot obtain simple basic, life necessities to survive or participate in society.

Integrity demands that you public officials abide by the US Constitution and what was specified by the US Supreme Court, and not circumvent or suppress the law with your own political bias. The City Council's willingness to "back door ban" concealed carry shows your lack of integrity. Your liberal, crime-lenient political positions are soft (softer than conservative Republicans) on violent criminals and strip law-abiding citizens of their 2nd Amendment and leaving innocent victims defenseless.

Criminals who are willing to commit violent crime, will certainly not obey lesser laws of carrying weapons. These restrictions sick/send/launch violent criminals to target law-abiding citizens, especially in gun-free, sensitive zones, because criminals know that the law-abiding will obey the law and not carry their firearms in those zones.

I have been working as a federal law enforcement agent/officer for the past 18 years. My wife would be passing the same background database checks as me. Yet your "back door ban" treats my wife as a criminal, who has no constitutional right to carry a firearm for self-defense. The sensitive area laminations should not apply to retired law enforcement.

The database background checks for CCW applicants are already the same as the police.

The firearms proficiency test is also comparable to the local police.

Qualified citizens should be able to carry both open and concealed. Open carry serves as an effective deterrent to violent crime. Periodic open-carry should be allowed to CCW permit holders in certain "sensitive" situations, where, for example, there is a suspicious group of men congregating outside a store at night. As a law enforcement agent/officer when I have to fill gas late in crime-ridden areas of Hawaii, I unconcealed my gun (and badge).

Qualified Retired Law Enforcement Officers (QRLEO) should be exempt from the restrictions of sensitive locations and private property.

I also support qualified citizens and QRLEOs to carry high capacity magazines. This will allow the qualified citizen to defend themselves on a more even playing field, when defending against violent criminal attackers who are well-known to disobey firearms laws like the laws restricting magazine capacity.

Rory K. Fujmoto, S/A, March 13, 2023 last four of social security number 7680

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 7:30:53 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
S. Garcia	Individual	Oppose	Written Testimony Only

Comments:

Unconstitutional. Rights are being targeted against the law abiding citizen.

Submitted on: 3/19/2023 7:33:32 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicole LeClaire	Individual	Oppose	Written Testimony Only

Comments:

I strongly Oppose!

I am a law abiding citizen.

The 2nd Amendment protects my right to carry a firearm so that I may protect myself.

Bills like this do not support my rights as an American Citizen.

Bills like this actively restrict my rights and the rights of all Americans.

These laws empower and encourage criminals.

The average police response time can be anywhere from 3 minutes to 15 minutes, by that time I could be beaten, raped or killed.

Do not restrict my ability to protect myself or my family.

It is your responsibility to encourage your citizens to protect themselves and their community.

Unless your goal is to make your citizens victims.

Date: March 19, 2023

To: Hawaii State Legislature

From: Mr. Robin D. Ganitano

94-1014 Lumi St

Waipahu, HI 96797-3902

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.

<u>The Second Amendment</u> protects the right of the people to keep and bear arms for defense of life and liberty.

In U.S. v. Cruikshank (1876), Presser v. Illinois (1886), Miller v. Texas (1894) and U.S. v. Miller (1939), the Supreme Court recognized that the amendment protects an individual right. It has never taken a different view. However, in Salina v. Blaksley (1905), the Kansas Supreme Court invented the idea that the amendment instead protected a "right" of a person to keep and bear arms only while serving in a state militia, and in U.S. v. Tot (1942), the U.S. Court of Appeals for the Third Circuit advanced the idea that the amendment protects the "right" of a state to have a militia.

In *District of Columbia v. Heller* (2008), the Supreme Court heard its first case specifically centered on whether the amendment protects an individual right to arms. Gun control supporters advanced essentially the "Salina" argument, but the Court, consistent with its previous rulings in Second Amendment-related cases, ruled that the amendment protects an individual right to keep arms and to bear arms "in case of confrontation," without regard to a person's relationship to a militia.

In *McDonald v. Chicago* (2010), the court extended the Second Amendment's protection nationwide.

Reference: NRA

Thank-you,

Mr. Robin D. Ganitano
<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 8:02:27 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chester Barayuga	Individual	Oppose	Written Testimony Only

Comments:

I oppose.

Submitted on: 3/19/2023 8:12:05 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jayme Kealoha-Dacuycuy	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose bill SB1230. As our Hawaii legislators you have a responsibility to the citizens who voted you in office. Writing a bill stripping them of their constitutional rights to bear arms according to the 2A. You have become dictators.

Hear the people!!

March 21, 2023

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS Representative David A. Tarnas, Chair Representative Gregg Takayama, Vice Chair

Re: SB 1230, SD2 Relating to Firearms

Dear Chair Tarnas, Vice Chair Takayama and Members,

I am writing to support the intent of SB 1230, SD2, Relating to Firearms, but I want to urge the committee to amend this bill to provide protection against carrying concealed firearms for persons living in condominiums where common areas are used by all residents. This expands the definition of "sensitive areas" or allow condominium associations to develop their own rules regulating the carrying of concealed weapons.

Please pay special attention to protect those of us living in collective living space where our personal safety is a shared responsibility.

Mahalo for the opportunity to provide testimony.

Eleanor Macdonald

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 8:23:25 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Arakawa	Individual	Oppose	Written Testimony Only

Comments:

The restrictions on places to carry is overly broad and unconstitutional. You are wasting our tax dollars.

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 8:30:28 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tatiana Maumausolo	Individual	Oppose	Written Testimony Only

Comments:

This bill is unconstitutional!

Stop the infringement on our god given rights!

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 8:36:24 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Willis	Individual	Oppose	Written Testimony Only

Comments:

This type of "sensitive place" prohibition has already been ruled unconstitutional in U.S. District Court for the Northern District of New York by Judge Suddaby in Antonyuk v. Nigrelli. Examples of "sensitive place" desination not keeping criminals from doing criminal activity. Times Square is determined a "sensitive place" by the state of New York. They have had a stabbing at an arcade in MAY2022, Stabbing during New Year's Eve festivities on 31DEC2022 with heighted police presence, and just a deadly shooting on 10FEB2023. Locally, 13FEB2023, HONOLULU (KHON2) - "There have been more than 700 crime incidents reported to Honolulu Police (HPD) within the past seven days." -February 2022, shooting Nehua St. -March 2022, prior to Bruen decision, 19-yr-old shot and killed on Lewers St. -May 2033, prior to Bruen decision, shooting on Lewers St. -January 2023 man shot on Lewers St. Clearly HPD is not equipped to protect every one at the same time nor are required to protect the public but to enforce law, we need to have to option to protect ourselves. Waikiki would be a sensitive place and none of these CRIMES would've been prevented. Would we ever think about this type of prohibitions in respect to any other right of The People? Are the people's rights limited in "sensitive places" when it comes to freedom of religion, speech, press, assembly as protected by the First amendment? Also, Schools have been a federal "sensitive place" since 1994, criminals target these places because they are a soft target and low to no resistance. Criminals will continue to do criminal acts, while law abiding citizens have to abide the law.

Submitted on: 3/19/2023 8:37:20 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jodi Rementer	Individual	Oppose	Written Testimony Only

Comments:

Please stop with the tyranny. This bill is an attempt to infringe upon my right, my family's right and all of the people of Hawaii's right to feel safe, protect and defend themselves. You have no right to tell us where and when we are allowed to protect ourselves. By trying to pass this bill and others like it, you are making a seriously misguided and poorly thought through decision. The criminals don't care about your bills or the law and they will be running rampant regardless of what's passed, while the law abiding citizens will follow the law and will be left powerless.

Please listen to the people of Hawaii who YOU SERVE. No one is in favor or this bill or others like it! You may find that ONE supporter like you did for the last bill but the MAJORITY of us oppose this bill!

Submitted on: 3/19/2023 8:37:52 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kanoe Willis	Individual	Oppose	Written Testimony Only

Comments:

This type of "sensitive place" prohibition has already been ruled unconstitutional in U.S. District Court for the Northern District of New York by Judge Suddaby in Antonyuk v. Nigrelli. Examples of "sensitive place" desination not keeping criminals from doing criminal activity. Times Square is determined a "sensitive place" by the state of New York. They have had a stabbing at an arcade in MAY2022, Stabbing during New Year's Eve festivities on 31DEC2022 with heighted police presence, and just a deadly shooting on 10FEB2023. Locally, 13FEB2023, HONOLULU (KHON2) - "There have been more than 700 crime incidents reported to Honolulu Police (HPD) within the past seven days." -February 2022, shooting Nehua St. -March 2022, prior to Bruen decision, 19-yr-old shot and killed on Lewers St. -May 2033, prior to Bruen decision, shooting on Lewers St. -January 2023 man shot on Lewers St. Clearly HPD is not equipped to protect every one at the same time nor are required to protect the public but to enforce law, we need to have to option to protect ourselves. Waikiki would be a sensitive place and none of these CRIMES would've been prevented. Would we ever think about this type of prohibitions in respect to any other right of The People? Are the people's rights limited in "sensitive places" when it comes to freedom of religion, speech, press, assembly as protected by the First amendment? Also, Schools have been a federal "sensitive place" since 1994, criminals target these places because they are a soft target and low to no resistance. Criminals will continue to do criminal acts, while law abiding citizens have to abide the law.

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 8:57:34 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
james pirtle	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

SB 1230

Dear Senators,

Please do not pass this restriction on the carrying of firearms by the public. These restrictions excessively burden the public who have a right to self-defense from having access to their tools where ever they may face a dangerous confrontation. Why do you feel it necessary to limit the public's ability to defend themselves when the aggressors, criminals, have no such limitations? Criminals can do anything but we the public have limitations? Who are you protecting with these ordinances anyway?

Perhaps you should read the 2nd Amendment and the 14th Amendments before you jump to the wrong conclusions regarding the rights of the People who you are violating.

Why spend the taxpayer's time and money defending laws that are clearly against the U.S Constitution or even passing these ordinances in the first place? Everyone has the right to self-defense not just the criminals who break the laws and seem to have access to firearms with few consequences. The police do not have the responsibility to ensure the safety of the individual citizens and most of us can't afford private armed guards. Most of us have a difficult time affording our basic daily needs. What about the people who deal with dangerous individuals every day at the bus stop who protects them? This proposal will embolden the criminal element in our neighborhoods. They will know we can't defend ourselves things will only get worse for the public.

We must carry the most effective tool for self-defense that we can obtain with our limited financial abilities. The current rules in place for the concealed carrying of a firearm are very burdensome for the public. Each individual, tax payers who pay for everything, deserve the ability to exercise the rights guaranteed by our creator and codified in the U.S. Constitution. I don't understand why you believe it necessary to turn our rights into privileges with this proposal. Do not pass this bill. Each senator who votes in favor of this proposal votes against our constitutional rights and should be held accountable. Do not change our existing laws to make them more restrictive for the taxpaying people of Hawaii. Do not pass this bill.

<u>SB-1230-SD-2</u> Submitted on: 3/19/2023 9:17:20 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert A Okuda	Individual	Oppose	Written Testimony Only

Comments:

I oppose any unconstitutional, vague and ambiguous law.

Submitted on: 3/19/2023 9:19:50 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sonny	Individual	Oppose	Written Testimony Only

Comments:

This is a abhorrent display of violating the rights that the constitution has given us.

Especially Maile Shimabukuro, her area has had a lot of gun violence in recent years on her watch by those not following the laws. The restriction of law abiding citizens by bills like this is wrong. She and the rest of the politicians are leaving law abiding citizens defenseless if this goes through and open to violence from those who choose to be predators.

We are entitled to our right to bear arms with no infringement as per the constitution. there is no precedent in history that makes this infringement permissible.

please stop trying to force the Democratic Party anti 2A agenda on us people who do not want our constitutional rights violated.

do what is right by the people who are now your constituents.

Submitted on: 3/19/2023 9:26:23 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynn Otaguro	Individual	Support	Written Testimony Only

Comments:

I am writing in support of SB1230 SD2. We need clear the permitting requirements and the boundaries for where guns may be carried to keep our communities safer. Please support this bill.

Submitted on: 3/19/2023 9:32:38 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Pcola_Davis	Individual	Support	Written Testimony Only

Comments:

I have grave concerns about the impact of the Bruen decision on the safety or Hawaii's residents and visitors. Among other important provisions which I strongly support, **SB1230 SD2** addresses two areas of major concern about how our residents and visitors can remain safe. It ensures that the licensing procedure for concealed guns weeds out individuals who would be a threat to others or themselves. It also sets forth a list of sensitive places where firearms cannot be carried that is comprehensive enough to protect the safety of Hawaii's residents and visitors.

Submitted on: 3/19/2023 10:26:28 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
CHESTER LUM	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1230 in its entirety and respectfully request you do the same.

This bill makes it impossible for a law-abiding citizen who is granted a firearm carry permit to exercise their Second Amendment right to defend themselves.

For this reason, I oppose SB1230 and its amendments and again respectfully request you do the same.

Thank you.

Chester Lum

Aloha, my name is Jessica Malia Tamaribuchi and I am a resident of Kailua-Kona on the island of Hawaii. Today I am submitting written testimony strongly opposing SB 1230, SD 2 relating to firearms.

Please be reminded that the US Constitution Second Amendment guarantees the right of the people to keep and bear arms, shall not be infringed. As elected officials, you have sworn an oath to support and uphold the Hawaii State Constitution and United States Constitution.

I firmly oppose SB 1230 because it does not take into consideration the rights of the lawabiding individual. This measure is extremely broad in the sense that it places the law-abiding individual under undue scrutiny to obtain a firearm permit. Isn't this provision already on the books with background checks? Also, how would the issuing authority determine if a person has or lacks the essential character or temperament necessary to be entrusted with a firearm? This is obviously subjective and could be applied in such a way that would exclude an individual who has absolutely no criminal history from obtaining a firearm permit.

SB 1230 is requiring that issuing authorities to consider the risks associated with firearms in the home and to consider the likelihood an applicant would bring the firearm outside of the home to engage in violence or carry unlawfully in public. So, does this mean that the issuing authority is going to be charged with assessing each home with firearms and determining the "likelihood" an applicant would engage in a violent activity is eminent? Based on what? Once again, this is broad, subjective, and at minimum, government overreach. You cannot predict whether someone is going to commit a violent crime based on a broad assessment especially if that individual does not have a criminal history.

About sensitive locations, SB 1230 intends to expand what is to be deemed "sensitive" beyond what was already decided on in the 2022 Bruen Supreme Court case where Justice Clarence Thomas stated that there are a handful of places where guns could be constitutionally banned. Places considered to be sensitive would include courthouses, jails, and similar establishments as these locations are more inclined to be violent. These places also have metal detectors which makes it difficult for anyone to bring a gun. Expanding the definition of sensitive locations to justify additional restrictions would essentially leave these locations vulnerable to violent and possibly deadly crime.

In short, all I ask is to stop demonizing law abiding people who have the right to protect themselves, their families, private property, and their fellow Americans. SB 1230 seeks to take that basic right away leaving law abiding individuals at risk to violent criminal activity.

These are some of the reasons why I strongly oppose SB 1230. Thank you for taking my testimony into consideration as you vote on this bill.

Mahalo, Jessica

Representative David A. Tarnas, Chair Representative Gregg Takayama, Vice Chair Committee on Judiciary and Hawaiian Affairs Hearing: Tuesday, March 21, 2023, at 2:00 p.m. Regarding: **SB1230 SD2 (Relating to Firearms) Voter Position: OPPOSITION**

Representatives of the Judiciary and Hawaiian Affairs Committee,

I express my continued opposition to SB1230 SD2 (Relating to Firearms).

Encroachment of a Right

SB1230 SD2 still grossly abrogates the United States Supreme Court's decision in *New York State Rifle and Pistol Association (NYSPRA) v. Bruen* by attempting to reduce the capability of a citizen to exercise their Second Amendment right to self-protection. **SB1230 SD2**'s over-expansion of conceal carry weapon (CCW) prohibitions vastly supersedes the Supreme Court's guidance concerning so-called sensitive places. *NYSPRA v. Bruen* clearly stated:

...expanding the category of "sensitive places" simply to all places of public congregation that are not isolated from law enforcement defines the category of "sensitive places" far too broadly...

It is equally imprudent as well as impractical for the State of Hawaii to artificially prohibit the exercise of Second Amendment rights over broad swathes of supposed "sensitive places" that have no historic analogy with historic firearm carry prohibitions of the United States. Only a select few locations under **§134-A Prohibition against carrying a firearm in a sensitive location; prohibition against carrying a firearm on the private property of another person without authorization; penalty—Subsection (i) "Sensitive Location" definition makes sense. Schools (as already specified by federal law) state owned buildings, and courts are reasonable, but everything else listed has no specific articulable historic analogy.**

Rights are Not Revocable Privileges

§134-A Prohibition against carrying a firearm in a sensitive location; prohibition against carrying a firearm on the private property of another person without authorization; penalty—Subsection (h) maintains its exorbitant punishment involving CCW license revocation for suspected violations. In addition to excessive punishment, such revocation of a CCW license constitutes the revocation of a right. A right is no longer a right if it can be easily revoked. A reasonable fine may be acceptable for any suspected violations, but denying exercise of a right is not acceptable under any circumstance.

Loitering Can Mean Almost Anything

Under **§134-A** Prohibition against carrying a firearm in a sensitive location; prohibition against carrying a firearm on the private property of another person without authorization; penalty— Subsections (e) and (i), the use of the word "loiter" is still far too vague and is quintessentially subjective in nature. Hawaii Revised Statutes Chapter (HRS) 711-1101 partially addresses loitering, but not enough to provide a CCW license holder with any affirmative defense of their lawful activities during transit. In addition, SB1230 SD2's §134-A–Subsections (e) and (i) fail to clarify what timeline constitutes "longer than necessary" when assessing whether a CCW license holder is clearing a public gathering or special event during their travels. Special events and public gatherings, by their very nature, are designed to engage audiences and pass time. Penalizing a law-abiding CCW license holder for supposed violations due to unanticipated venue exit delays when is unacceptable.

"Essential Character" is a Propagation of "Good Moral Character"

§134-E Authority of counties, Section 4—**Subsection** (e) maintains its subtly injection of a nefarious way to deny a law-abiding citizen a CCW license based upon subjective criteria such as "essential character" and "temperament" measurements. There is no objective manner to determine what constitutes "essential character" or "temperament" and any proposed measurement thereof will still be subject to the interpretation of the license issuing authority that interprets and reviews such subjective measurements. The inclusion of "essential character" and "temperament" measurements are no doubt an attempt to re-introduce artificial and subjective barriers to CCW license issuance in a similar manner to previous "good moral character" requirements that were once used by the State of Hawaii in a pre-*NYSPRA v. Bruen* legal environment. Lacking viable objectivity or ability to be replicated in a systematically scientific manner, the "essential character" or "temperament" requirements should not serve as a basis for issuance or denial of a CCW license.

§134-E Authority of counties, Section 4—Subsection (e) additionally places far too much weight upon the CCW license issuing authority's sole and subjective discretion. In particular, the inclusion of CCW license issue denials based upon "…any other relevant evidence" is far too broad since it does not explicitly identify an objective basis or otherwise defines what would even constitute "relevant evidence." The entire section articulates mere speculation suggesting that the only use case of a firearm is for harm and intimidation. All the irrational fantastical fear of the original author is injected into this section. Anything serving as an evidentiary basis for prospective a CCW license denial should be readily identified and must be measurable in the interest of public trust and transparency.

Focus on Stopping Criminal Activity

SB1230 SD2 is purported to enhance public safety. A more constructive means of fulfilling this task would be to vote **NO** on **SB1230 SD2** and focus on enforcement actions against criminals that are breaking provisions of HRS Chapter 134 in its current form. **SB1230 SD2** and its House counterpart, **HB 984 HD2**, will not affect criminals since criminals will not subject themselves to background checks, participate in license application interviews, complete State mandated firearm training requirements, send in personal reference listings, or respect any public or private property rights whatsoever.

Thank you for taking the time to review this testimony.

Respectfully,

Ryan C. Tinajero

Constituent of House District 48

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 12:09:30 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Timothy Miyao	Individual	Oppose	Written Testimony Only

Comments:

Honorable Hawaii Senate Judiciary and Hawaiian Affairs Committee,

I urge you to please oppose SB1230 related to Firearms; Concealed Carry; License to Carry; Sensitive Locations. This legislation has me very concerned. SB1230 is far overreaching and prohibits a citizen from exercising her/his Constitutional right. What is the National historical tradition that would support each regulation in this legislation?

In the Supreme Court decision New York State Rifle and Pistol Association v. Bruen. it was determined that regulations, put in place by the government, must adhere to our national historical tradition that is widespread. A state's history is insufficient to be used to justify violations of a Constitutional right. The Supreme Court's opinion included, and I quote, "To justify its regulation, the government may not simply posit that the regulation promotes an important interest. Rather, the government must demonstrate that the regulation is consistent with this Nation's historical tradition of firearms regulation. Only if a firearm regulation is consistent with this Nation's historical tradition may a court conclude that the individual's conduct falls outside of the Second Amendment's "unqualified command"". For your convenience, I attach a link to the US Supreme Court Ruling for New York State Rifle and Pistol Association v. Bruen: https://www.supremecourt.gov/opinions/21pdf/20-843_7j80.pdf

In our national history voting service centers and government buildings were places that limited a citizen's constitutional right. These would pass the litmus test of our Nation's historical tradition of firearms regulation.

Many other places in this bill would not adhere to our National historical tradition.

Parks and places where people are assembled for an event do not meet the criteria of National historical tradition. Restaurants that serve alcohol do not meet the criteria of National historical tradition.

Modes of public transportation, such as buses also fail to meet the National historical tradition criteria. Washington DC is being taken to court for prohibiting carry on their Metro system. SB1230 would prohibit a citizen's right to self-defense on buses. What of the people who rely on the city bus? How would they protect themselves walking between the bus stop and their home at night?

Prohibition on the carry of firearms on private property, if determined and advertised by the property owner, meets the criteria of National historical tradition. However, SB1230 inappropriately adds that it is the responsibility of the businesses to post signs saying that "carry is permitted". In most other states businesses are responsible for posting a sign indicating that NO carry is allowed. This would also align with the widespread concept of establishments posting "No shirt, no shoes, no service" and "No food or drinks allowed". Firearm business owners in Hawaii have often been harassed by unsavory members of the public. This harassment would no doubt escalate and include any business that posts a sign that carry is welcome.

When reviewing SB1230 please carefully consider the United States Constitution and Supreme Court ruling in New York State Rifle and Pistol Association v. Bruen. Many components of SB1230 infringe on Constitutional rights without meeting the requirement of National historical tradition. Please oppose SB1230.

I appreciate your time and all that you do for the people of Hawaii!

Submitted on: 3/20/2023 12:29:31 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joan Matsukawa	Individual	Support	Written Testimony Only

Comments:

I'm writing in support of SB1230 to impose strict requirements and restrictions to the ownership and transport of firearms. I was a nurse for 40 years and early on cared for soldiers returning from Viet Nam. The wounds I saw I could not imagine on children, elders and others who will fall victim to gun violence - not from war, but from domestic violence, crime, random shootings and accidents by children and gun owners. Add to that the instability and known prediliction for violence of the gun carrier and the inability of the justice system to keep them at bay, and the innocent will be hurt and killed. We're living in an age where not just stress, mental illness and alcohol govern behavior, but also increasing chronic multidrug use which compounds the aggressive behavior.

Many of these indivduals suffer from mental anguish from disrupted childhoods. The number of children growing up as they did has increased significantly and these children will be the violent adults of tomorrow. So unlike the insane governor of Florida, we have to push back on gun access and use rather than release it from the protection the public needs.

Thank you,

Joan Matsukawa

Submitted on: 3/20/2023 1:21:48 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dr Marion Ceruti	Individual	Oppose	Written Testimony Only

Comments:

Kill SB1230 before it goes any further. This is the most awful and unconstitutional bill of the entire legislative season. It will not stand up in court as it violates a basic human right to keep and bear arms. You can be sure that criminals will ignore every aspect of it. Get rid of this bill now.

Submitted on: 3/20/2023 2:05:32 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Evelyn Aczon Hao	Individual	Support	Written Testimony Only

Comments:

Safety of our citizens is most important. I support this bill because it defines where guns are not allowed. Because of Hawaii's strict gun laws, we are safer than citizens of other states with relaxed gun laws. Please continue to keep us safe by passing this bill.

Thank you, EA Hao

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 5:24:29 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kevin J. Cole	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

This piece of legislation will do nothing to enhance public safety. It will only erode the constitutional rights of a great many citizens.

V/R

Kevin J. Cole

Mililani

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 5:41:01 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eric Akiyama	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I strongly oppose SB1230. Please do not pass this bill and make it more difficult for law abiding citizens to protect themselves.

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 5:44:19 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Corinne Solomon	Individual	Comments	Written Testimony Only

Comments:

I oppose SB1230

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 6:39:17 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Healy	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 7:14:19 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul A. Ireland Koftinow	Individual	Comments	Written Testimony Only

Comments:

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee:

S.B. 1230, S.D.2 ("S.B.1230") addresses the carrying of concealed firearms in: 1) sensitive locations and 2) private property of another person without authorization. While I agree with the intent of S.B. 1230, I urge the Committee to amend it to provide protection to persons living in condominiums and owners of fee simple private property.

The provisions that refer to sensitive locations do not apply to condominiums. Condominiums would fall under private property. However, the last amendment to the bill changed the definition of "private property of another person without authorization" to exclude "an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property." This change can be read to mean that owners (and possibly tenants) of condominium units may carry concealed weapons on the common elements of the condominiums, without any restrictions. In other words, it would allow angry owners to carry concealed weapons when visiting the resident manager's office to complain about a fine or when attending an on-site board meeting or annual association meeting. This will endanger the health, safety, and welfare of all persons while on the common elements of condominiums.

I urge the committee to amend the bill to either add the common elements of condominiums to the definition of "sensitive areas" or allow condominium associations to adopt rules regulating the carrying of weapons, concealed or otherwise, on the common elements. At the very least, the right to carry weapons on the common elements should be limited to ingress and egress to the owner's or tenant's unit, using the most direct path, with no loitering.

Additionally, as drafted, the reference to private property in the bill appears to apply only to private property "that is leased." The bill previously provided that "private property of another person without authorization" means property that is privately "owned or leased." However, it was amended so that it now refers to "residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased," subject to certain exceptions. The words "that is privately leased" as used in the current definition appear to modify the words "residential, commercial, industrial, agricultural, institutional, or undeveloped property." As such, the current definition appears to exclude fee simple private property from the definition of "private property of another person without authorization." This was surely a mistake as there is

no good reason to exclude fee simple property. I urge the committee to amend the bill to include both leasehold and fee simple property in the definition of "private property of another person without authorization."

Respectfully submitted,

Paul A. Ireland Koftinow

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 7:17:53 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Woody Child	Individual	Oppose	Written Testimony Only

Comments:

I strongly Oppose SB1230.

Submitted on: 3/20/2023 7:33:47 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joel Berg	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1230. This bill is a tantrum. Rather than comply with Federal Law the state is choosing to inevitably squander my tax dollars defending this unconstitutional legislation. There's plenty of problems in Hawaii that my taxes could be spent on besides preventing grannies and 100 lb. women from being able to protect themsevels.

Submitted on: 3/20/2023 7:35:27 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andy ozie	Individual	Oppose	Written Testimony Only

Comments:

Leave our rights alone. The law abiding citizens are fed up with the governments overzealous behavior. We the people have had enough of government and it is evident that you no longer serve the people.

We hate you,

-sincerely the citizens that you govern

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 7:43:51 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jerry Ilo	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose!

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 8:16:44 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Doris Segal Matsunaga	Individual	Support	Written Testimony Only

Comments:

I support SB1230 SD2

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 8:22:34 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dr.David Davis	Individual	Support	Written Testimony Only

Comments:

I support SB1230 SD2 is a matter of public safety, or priority, and decency.
Submitted on: 3/20/2023 8:23:57 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kenny Kwan	Individual	Oppose	Written Testimony Only

Comments:

I stongly oppose this bill. The stipulations suggested are currently not in place now so we do not need additional laws. It does not make sense to require insurance since criminals do not abide by laws anyways. Even off duty law enforcement carrying concealed are not required to be insured.

Submitted on: 3/20/2023 8:51:44 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Bernstein	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and Members of the JHA Committee:

I'm writing in support of SB1230 SD2. The positive correlation between fewer guns and greater safety has been confirmed time and time again in studies. Therefore, in an effort to increase safety in Hawaii, we need bills like SB1230 to become law so we keep guns out of the wrong hands.

Please pass this bill out of your committee.

Respectfully,

Paul Bernstein

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 8:54:43 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sabrina Sumner	Individual	Oppose	Written Testimony Only

Comments:

I, Sabrina Sumner, a U.S. citizen and resident of Hawai'i will oppose this bill. I am not sure if you people thoroughly read the people's testaments but, we, the people would like to protect ourselves from criminals that Public Safety of Hawai'i, as well as City & County Honlulu Police Department has arrested and release criminals within less than 12 hours from their committed crimes. The system has not once come forward to inform their solutions in decreasing crimes happening within our communities. As a worker in the downtown Honolulu historical district, the homeless population has increased and violent asaaults have happened towards employees and residence who are experinecing high crimes in their neighborhoods. Once the perpetrator has been arrested, they are released within 10 hours later returning to the scene of crime in search for their next victim. More so, you all name the "sensitive places" of where not to carry, yet, you all have given the locations for criminals to attack individuals who are sensitive and defenseless to protect themselves from harm knowing they cannot carry their licensed concealed weapon. Furthermore, you all, the representatives are enclosed with security in your work area with the Department of Deputy Sheriffs with weapons and have close by parking areas, yet, workers are being harrassed and attack by out-of-state homeless individuals coming to or from work. How is that fair for you all and not the people who voted you all in to the positions you are responsible for to keep the people safe? When you need votes, you move mountains to get our votes, but when we need protection, you all want to take our constitutional rights away which is UNconstitutional and you all have no solutions to protect workers and residences in the same area as you folk work in and high crime areas. The supreme court will be the final rule if this passes. And as beofre, Supreme Court will over-turn your decision from your unconstitutional duties. We now see who do not follow the rule of law.

Submitted on: 3/20/2023 9:10:56 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Elliott	Individual	Oppose	Written Testimony Only

Comments:

This bill is UNCONSTITUTIONAL and will not stand federal court scrutiny. The state will see an immediate filling of multiple law suits upon passage and signing by the governor. Hold off on this bill and watch the direction of the current challenges in NY and NJ.

No citizen is obligated to abide by UNCONSTITUIONAL laws.

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 9:14:23 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie Sokach	Individual	Comments	Written Testimony Only

Comments:

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee:

S.B.1230, S.D.2 ("S.B.1230") addresses the carrying of concealed firearms in: 1) sensitive locations and 2) private property of another person without authorization. While I agree with the intent of S.B. 1230, I urge the Committee to amend it to provide protection to persons living in condominiums and owners of fee-simple private property.

The provisions that refer to sensitive locations do not apply to condominiums. Condominiums would fall under private property. However, the last amendment to the bill changed the definition of "private property of another person without authorization" to exclude "an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property." This change can be read to mean that owners (and possibly tenants) of condominium units may carry concealed weapons on the common elements of the condominiums, without any restrictions. In other words, it would allow angry owners to carry concealed weapons when visiting the resident manager's office to complain about a fine or when attending an on-site board meeting or annual association meeting. This will endanger the health, safety, and welfare of all persons while on the common elements of condominiums.

I urge the committee to amend the bill to either add the common elements of condominiums to the definition of "sensitive areas" or allow condominium associations to adopt rules regulating the carrying of weapons, concealed or otherwise, on the common elements. At the very least, the right to carry weapons on the common elements should be limited to ingress and egress to the owner's or tenant's unit, using the most direct path, with no loitering.

Additionally, as drafted, the reference to private property in the bill appears to apply only to private property "that is leased." The bill previously provided that "private property of another person without authorization" means property that is privately "owned or leased." However, it was amended so that it now refers to "residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased," subject to certain exceptions. The words "that is privately leased" as used in the current definition appear to modify the words "residential, commercial, industrial, agricultural, institutional, or undeveloped property." As such, the current definition appears to exclude fee simple private property from the definition of "private property of another person without authorization." This was surely a mistake as there is

no good reason to exclude fee simple property. I urge the committee to amend the bill to include both leasehold and fee simple property in the definition of "private property of another person without authorization."

Respectfully submitted,

Laurie Sokach, AMS, PCAM

Association Management Specialist

Professional Community Association Manager

Submitted on: 3/20/2023 9:19:51 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeff Marsh	Individual	Comments	Written Testimony Only

Comments:

 1230 pertains to the carrying of concealed weapons. As drafted, it appears to allow owners and tenants of condominium units to carry concealed weapons while on the condominium's common elements, without restriction. This is a bit frightening because it appears to allow owners and tenants to carry concealed weapons to the resident manager's office when they go to complain about a fine. It appears also to allow owners to carry concealed weapons when attending Board meetings or annual association meetings held on the common elements. Additionally, while the bill provides protection against concealed weapons on private property of others without consent, the most recent amendment to the definition of private property seems to exclude fee simple property. This was surely a drafting error and needs to be corrected. A copy of the bill is attached.

Please feel free to use the sample testimony provided below. If you do so, please remember to type your name at the end of your testimony.

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee:

1. 1230, S.D.2 ("S.B.1230") addresses the carrying of concealed firearms in: 1) sensitive locations and 2) private property of another person without authorization. While I agree with the intent of S.B. 1230, I urge the Committee to amend it to provide protection to persons living in condominiums and owners of fee simple private property.

The provisions that refer to sensitive locations *do not apply to condominiums*. Condominiums would fall under private property. However, the last amendment to the bill changed the definition of "private property of another person without authorization" to exclude "an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property." This change can be read to mean

that owners (and possibly tenants) of condominium units may carry concealed weapons on the common elements of the condominiums, without any restrictions. In other words, it would allow angry owners to carry concealed weapons when visiting the resident manager's office to complain about a fine or when attending an on-site board meeting or annual association meeting. This will endanger the health, safety, and welfare of all persons while on the common elements of condominiums.

I urge the committee to amend the bill to either add the common elements of condominiums to the definition of "sensitive areas" or allow condominium associations to adopt rules regulating the carrying of weapons, concealed or otherwise, on the common elements. At the very least, the right to carry weapons on the common elements should be limited to ingress and egress to the owner's or tenant's unit, using the most direct path, with no loitering.

Additionally, as drafted, the reference to private property in the bill appears to apply only to private property "that is leased." The bill previously provided that "private property of another person without authorization" means property that is privately "owned or leased." However, it was amended so that it now refers to "residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased," subject to certain exceptions. The words "that is privately leased" as used in the current definition appear to modify the words "residential, commercial, industrial, agricultural, institutional, or undeveloped property." As such, the current definition appears to exclude fee simple private property from the definition of "private property of another person without authorization." This was surely a mistake as there is no good reason to exclude fee simple property. I urge the committee to amend the bill to include both leasehold and fee simple property in the definition of "private property of another person without authorization."

Respectfully submitted,

Jeff Marsh

Site Manager

The Palms at Wailea AOAO

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 9:20:31 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

Submitted on: 3/20/2023 9:33:42 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Peter R Daspit	Individual	Support	Written Testimony Only

Comments:

I absolutely support. As a former long-term NRA member, I've come to realize that we were going down the wrong path. With liberty comes responsibility, and it's time for us as a society to up our responsibility game. This is a good bill and deserves support. Keep our kiki and kapuna safe, Keep Hawaii Safe.

Mahalo, Peter Daspit

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 9:35:49 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robin Leong	Individual	Support	Written Testimony Only

Comments:

I support SB 1230 SD2.

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 9:49:18 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kekoa Gardner	Individual	Oppose	Written Testimony Only

Comments:

I am a law-abiding gun owner and have followed and met all the requirements for me to obtain my firearms. What any law maker fails to understand is that these additional rules will only prevent law abiding citizens from exercising their rights under the 2nd Amendment of the Constitution of the United States. Those who follow the law to obtain their firearms legally and comply with concealed carry laws will be the only people not having the ability to defend themselves or their loved ones outside of their homes. Individuals with ill intent will not care about any law saying they are not allowed to own or carry a firearm.

When you consider the lengthy process of legally purchasing and registering a firearm, it is done so by those who respect the law. The individual who follows these laws understand the possible ramifications of having a firearm and take that responsibility seriously. They have trained and continue to train with their firearm and know how to use it. They understand what will happen should they draw their firearm on another person and do not take this action lightly. Purchasing firearms and training with them is very costly for a gun owner including the price of the firearm, ammunition, range fees, etc. By adding a requirement for insurance coverage only adds to this cost. What do you hope to accomplish with this requirement?

Each County in the State of Hawaii has established their own concealed carry requirements including a FBI background check, which was needed to purchase the gun, and have been issuing permits as these requirements are met. They also have rules in place that allow them to revoke licenses should the need arise. Are you implying that County officials are incapable of keeping their residents safe and the State needs to step in?

Designating "sensitive locations" could tie the hands of business owners who would choose to allow licensed concealed carry on their premises. It should be up to them to decide if they would like to carry a firearm on their person to protect their business and/or allow their customers to do the same. If a place is considered "private property" it should be the decision of the property owner.

Requiring the Attorney General to publish an annual report on licenses to carry firearms places a target on the backs of those who have met the requirements to carry their firearm CONCEALED.

History has proven that government overreach, such as this, only hinders law abiding citizens from protecting themselves. It does not prevent criminals from committing crimes or hurting innocent people.

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 10:07:39 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rosemarie Vailisale	Individual	Oppose	Written Testimony Only

Comments:

I oppose Bill SB1230 SD2 and will not feel safe if it's pass.

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 10:10:45 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
kamakani de dely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

Aloha,

I am providing written testimony in opposition to SB1230 SD2.

The Supreme Court of the United States (SCOTUS), through the NYSRPA vs. Bruen decision, recently established "text, history, and tradition" as the new standard for jurisprudence regarding the Second Amendment. Any precedent analyzed using the text, history, and tradition method must have its origins rooted near the creation of the Second Amendment in 1791.

In regards to sensitive places, the SCOTUS ruling specifically mentioned polling places, schools, and government buildings as examples of sensitive places that historically prohibited the bearing of arms. Additional proposed locations noted in SB1230 SD2 fail to provide historical context or justification for inclusion on a list of sensitive areas.

SB1230 SD2 attempts to demonstrate that a law enacted on May 25, 1852, "An Act to Prevent the Carrying of Deadly Weapons" (1852 Haw. Sess. Laws 19), provides an analogous example for carry restrictions. However, the first line of Section 1 states, "Any person not authorized by law," and thus renders the act useless as a comparison. CCW permits grant lawful carry after extensive background checks, testing, and training requirements.

New York included all of the sensitive areas defined in SB1230 SD2 in the Concealed Carry Improvement Act (CCIA), which was a response to the SCOTUS decision. U.S. District Court Judge Glenn Suddaby, among other judges, have already ruled large parts of the (CCIA), particularly many of the sensitive locations, are unconstitutional and do not adhere to text, history, and tradition.

Further, U.S. District Court Judge Renee Marie Bumb ruled New Jersey's list of sensitive locations, which are very similar to New York's, unconstitutional. Bumb also blocked the enforcement of carrying firearms on private property without the "express consent" of an owner or signage indicating firearms are allowed. The State's default ban for firearms on private property essentially made a decision for an entire population. SB1230 SD2 aims to replicate the same directive for private property.

U.S. District Judge Glenn Suddaby ruled requiring applicants to submit online account information was unconstitutional, which part of SB1230 SD2 will require (as noted below).

(6) Any other information the county chief of police, or a designated member of the chief of police's staff, may require from the applicant or any other person as the chief of police reasonably deems necessary to conduct the review of the application, including but not limited to publicly available statements posted or published online by the applicant.

SB1230 SD2 provides no relevant validation for the list of sensitive places in accordance with the text, history, and tradition method set forth by SCOTUS. Banning the bearing of arms in various proposed sites, which mimic New York's CCIA and New Jersey's sensitive places list, has already been ruled unconstitutional. Numerous testimony alluded to these facts under

review of the original version of SB1230, but despite no substantiation to conformance with SCOTUS's Bruen decision, the State appears poised to pass a law that will not pass constitutional muster.

Thank you.

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 10:17:27 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Terri Yoshinaga	Individual	Oppose	Written Testimony Only

Comments:

Should not be passed as written.

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 10:25:39 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nick Croft	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

My name is Nick Croft and I am a resident of Hawaii and I fully oppose this bill.

Mahalo,

Nick Croft

March 20, 2023

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee:

S.B. 1230, S.D.2 ("S.B.1230") addresses the carrying of concealed firearms in: 1) sensitive locations and 2) private property of another person without authorization. While I agree with the intent of S.B. 1230, I urge the Committee to amend it to provide protection to persons living in condominiums and owners of fee simple private property.

The provisions that refer to sensitive locations do not apply to condominiums. Condominiums would fall under private property. However, the last amendment to the bill changed the definition of "private property of another person without authorization" to exclude "an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property." This change can be read to mean that owners (and possibly tenants) of condominium units may carry concealed weapons on the common elements of the condominiums, without any restrictions. In other words, it would allow angry owners to carry concealed weapons when visiting the resident manager's office to complain about a fine or when attending an on-site board meeting or annual association meeting. This will endanger the health, safety, and welfare of all persons while on the common elements of condominiums.

I urge the committee to amend the bill to either add the common elements of condominiums to the definition of "sensitive areas" or allow condominium associations to adopt rules regulating the carrying of weapons, concealed or otherwise, on the common elements. At the very least, the right to carry weapons on the common elements should be limited to ingress and egress to the owner's or tenant's unit, using the most direct path, with no loitering.

Additionally, as drafted, the reference to private property in the bill appears to apply only to private property "that is leased." The bill previously provided that "private property of another person without authorization" means property that is privately "owned or leased." However, it was amended so that it now refers to "residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased," subject to certain exceptions. The words "that is privately leased" as used in the current definition appear to modify the words "residential, commercial, industrial, agricultural, institutional, or undeveloped property." As such, the current definition appears to exclude fee simple private property from the definition of "private property of another person without authorization." This was surely a mistake as there is no good reason to exclude fee simple property. I urge the committee to amend the bill to include both leasehold and fee simple property in the definition of "private property of another person without authorization."

Respectfully submitted,

Richard Chiodini President, Ali'i Lani Condominiums 75-6081 Ali'i Drive Kailua-Kona, HI 96740

Submitted on: 3/20/2023 10:58:50 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sandie Wong	Individual	Comments	Written Testimony Only

Comments:

I support the intent of SB1230, SD2, but it does not go far enough. Language needs to be included to protect residents of condominiums; i.e. add the common elements of condominiums to the definition of "sensitive areas" or allow condominium associations to adopt rules regulating the carrying of weapons, concealed or otherwise, on the common elements.

Otherwise, the current language would allow angry owners to carry concealed weapons when visiting the resident manager's office to complain about a fine, etc. or when attending an on-site board meeting or annual association meeting. This will endanger the health, safety, and welfare of all persons while on the common elements of condominiums.

Condominiums are homes to many residents in Hawaii and it is vital that these residents feel safe in their homes.

Thank you.

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 10:59:05 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Craig Kashiwai	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because it infringes on my Constitutional rights.

<u>SB-1230-SD-2</u>

Submitted on: 3/20/2023 11:06:28 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kristen Young	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

I support SB1230 which would set up clear permitting requirements before someone is allowed to carry a gun in public and clear boundaries on where someone can and can't bring those guns.

Allowing just anyone to go around with a weapon would be completely irresponsible. People should be able to go out in public—to school, to church, to the theater, to restaurants, to parks, etc.—without worrying that someone may have a gun on them and use it in a heated moment or that the gun might misfire and cause unintentional damage. Guns don't make me feel safer. While people may have a right to bear arms, that should not trump our right to feel safe and be free from potential gun violence especially in public settings.

In the United States, gun violence and mass shootings are horifically the norm. While gun violence still exists in Hawai'i, the rate of gun deaths here is among the lowest when compared with the rest of United States. That is not just by coincidence or because people here have the "aloha spirit". I believe it's because Hawai'i has strong gun laws and is proactive about gun safety. Gun regulation protects not only everyday citizens but also gun owners, and it's the responsible thing to do.

Please vote YES on SB1230 to support sensible gun laws and public safety in Hawai'i.

Mahalo, Kristen Young Honolulu resident

Submitted on: 3/20/2023 11:24:53 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Glenn Metzler	Individual	Support	Written Testimony Only

Comments:

I support SB1230 SD2. Proliferation of guns in public in Hawaii will surely lead to increased confrontations and violence. Restricting them is vital to our security. This bill addresses two areas of major concern so that our residents and visitors can remain safe. It ensures that the licensing procedure for concealed guns removes individuals who would be a threat to others or themselves. It also includes a list of sensitive places where firearms cannot be carried that is comprehensive enough to protect the safety of Hawaii's residents and visitors.

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 11:30:31 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laura Friedman	Individual	Support	Written Testimony Only

Comments:

I strongly support SB1230 SD2

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 11:33:59 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ashley de Coligny	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am an Oahu resident writing in strong support of SB1230. Please keep Hawaii a safe place for all by supporting these common sense safety precautions.

Thank you,

Ashley de Coligny

Kaneohe, HI

Submitted on: 3/20/2023 11:38:00 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Metzger	Individual	Support	Written Testimony Only

Comments:

I strongly support the passage of SB1230. If those of us who do not want guns shoved down our throat in every area of life are being forced to deal with legal concealed carry for all, the very least we can do is set up clear permitting requirements before someone is allowed to carry a gun in public and clear boundaries on where someone can and can't bring those guns. My keiki and I deserve to learn and play in spaces that aren't riddled with guns. Please think of them while making this decision.

Submitted on: 3/20/2023 11:43:50 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Soon	Individual	Oppose	Written Testimony Only

Comments:

From the description of the bill....

"person is found to be lacking the essential character or temperament necessary to be entrusted with a firearm."

So my question is, "who EXACTLY is the judge of character and temperament?"

Please use common sense when writing legislation.

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 11:44:48 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Martha Nakajima	Individual	Support	Written Testimony Only

Comments:

I fully support this bill in its current form. Time is of the essence in passing it as concealed carry permits are already being issued.

Submitted on: 3/20/2023 12:07:48 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hattie Gerrish	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this bill, but I'd prefer if people did not carry guns in public at all. Guns have no place in our public places and around our children.

Please vote for this bill so at least people won't be able to bring guns just anywhere.

Mahalo

Submitted on: 3/20/2023 12:12:09 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sue Hornik	Individual	Support	Written Testimony Only

Comments:

I am scared about the negative impact of the Bruen decision on the safety or Hawaii's residents and visitors. I strongly support, **SB1230 SD2** which addresses two areas of major concern about how our residents and visitors can remain safe. It ensures that the licensing procedure for concealed guns weeds out individuals who would be a threat to others or themselves. It also sets forth a list of sensitive places where firearms cannot be carried that is comprehensive enough to protect the safety of Hawaii's residents and visitors.

Thank you for passing this important bill!

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 12:27:56 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
karolle t. bidgood	Individual	Support	Written Testimony Only

Comments:

Please vote to pass SB1230 SD2. This bill sets forth clear requirements for licensing procedures and identifies a list of sensitive places where firearms cannot be carried.

Thank you.

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 12:54:47 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
sherry fisher	Individual	Support	Written Testimony Only

Comments:

I support SB 1230 SD2

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 1:07:02 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Weissman	Individual	Support	Written Testimony Only

Comments:

I strongly support SB1230 SD2

<u>SB-1230-SD-2</u> Submitted on: 2/20/2022

Submitted on: 3/20/2023 1:10:43 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rita Kama-Kimura	Individual	Oppose	Written Testimony Only

Comments:

Chair Tarnas, Vice Chair Takayama and

Committee members: Rep. Ganaden, Rep. Ilagan, Rep. Holt Rep. Kong, Rep. Hashimoto, Rep. Mizuno, Rep. Ichiyama and Rep. Souza

Re: SB1230 SD2 Firearms

I stand in opposition to this bill, $\sqrt{Firearms}$; $\sqrt{Concealed Carry}$; $\sqrt{License to Carry}$; $\sqrt{Sensitive Locations}$; $\sqrt{Insurance}$; indeed!

It is sad to watch as that we continue to impose so called laws on "LAW ABIDING" citizens. Honest men and women who actually follow the law, pass background checks and the required training. Yet they are looked at as posing potential danger, while the criminal elements just laughs!

It amazes me that some people are so worried about going to a store in which a "Law Abiding" concealed carrier might be shopping, yet appears to express no fear that a potential criminal element, unlicensed person with a possible record could be on the next aisle.

Some will say that Hawaii has not seen gun violence, as seen around the nation, so these types of law are not needed. Well wake up! Sadly times are changing and if you couple that with bail reform bills like <u>HB1336</u> ... look at what is happening in those areas, cities! I don't want to become another Chicago, Detroit, San Francisco, New York ...

In the last senate hearing the committee report indicated that 340 individuals supported this bill and only 125 opposed it. If I may 282 of those opposing it all submitted a form letter supporting this bill. I couldn't help but wonder if they, any of them actually understood the bill or just trusted and were encouraged to sign and submit what was given them!

I am also concerned that if this bill and others like it (i.e. Hon. City Council 57) go to court and they mostly likely will, what will be the monetary cost to the already struggling tax payer in the event they are overturned?

So again I ask you to vote against passing this bill and put it to rest.

Respectfully, Rita Kama-Kimura
<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 1:11:41 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jenny Silbiger	Individual	Support	Written Testimony Only

Comments:

Aloha JHA Committee,

I am writing in support of SB1230. As a parent and a community member residing in Hawaii, I am extremely concerned about the rise of gun violence everywhere.

- I support Hawaii's efforts to continue taking vigorous precautions to protect public safety even while complying with the US Supreme Court's decision regarding a Second Amendment right to carry firearms in public. Our nation now has more mass shootings than days in the year. It doesn't have to be this way; Our death by gun rate is over 20 times higher than other industrialized countries in the world
- Every year, in every public school in Hawaii, lock down drills are conducted for training students on what to do in the event of an active shooter on campus.
- Thoughts and prayers are not enough to combat gun violence. Action is needed.
- Thank you for helping do everything you can to create laws that protect from injuries and deaths caused by firearms.

Thank you for your consideration of this testimony.

Sincerely,

Jenny Silbiger

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee:

S.B. 1230, S.D.2 ("S.B.1230") addresses the carrying of concealed firearms in: 1) sensitive locations and 2) private property of another person without authorization. While I agree with the intent of S.B. 1230, I urge the Committee to amend it to provide protection to persons living in condominiums, including owners of fee simple private property.

First, provisions that refer to sensitive locations do not apply to condominiums. Condominiums would fall under private property. However, the last amendment to the bill changed the definition of "private property of another person without authorization" to <u>exclude</u> "an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property." This change can be read to mean that owners (and possibly tenants) of condominium units may carry concealed weapons on the common elements of the condominiums, without any restrictions. In other words, it would allow angry owners to carry concealed weapons when visiting the resident manager's office to complain about a fine or when attending an on-site board meeting or annual association meeting. This will endanger the health, safety, and welfare of all persons while on the common elements of condominiums.

I urge the committee to amend the bill to either add the common elements of condominiums to the definition of "sensitive areas" or allow condominium associations to adopt rules regulating the carrying of weapons, concealed or otherwise, on the common elements. At the very least, the right to carry weapons on the common elements should be limited to ingress and egress to the owner's or tenant's unit, using the most direct path, with no loitering.

Second, as drafted, the reference to private property in the bill appears to apply only to private property "that is leased." The bill previously provided that "private property of another person without authorization" means property that is privately "owned or leased." However, it was amended so that it now refers to "residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased," subject to certain exceptions. The words "that is privately leased" as used in the current definition appear to modify the words "residential, commercial, industrial, agricultural, institutional, or undeveloped property." As such, the current definition appears to exclude fee simple private property from the definition of "private property of another person without authorization." This was surely a mistake as there is no good reason to exclude fee simple property. I urge the committee to amend the bill to include both leasehold and fee simple property in the definition of "private property of another person without authorization."

Respectfully submitted,

/s/ Pamela J. Schell

March 20, 2023

VIA WEB TRANSMITTAL

Hearing Date: Tuesday, March 21, 2023 Time: 2:00 p.m. Place: Conference Room 325

Rep. David A. Tarnas, Chair Rep. Gregg Takayama, Vice Chair House Committee on Judiciary & Hawaiian Affairs

Re: Hawaii Chapter, Community Associations Institute's Testimony regarding SB 1230, SD 2

Dear Chair Tarnas, Vice Chair Takayama and Committee Members:

S.B. 1230, S.D.2 ("S.B.1230") addresses the carrying of concealed firearms in: 1) sensitive locations and 2) private property of another person without authorization. While I agree with the intent of S.B. 1230, I urge the Committee to amend it to provide protection to persons living in condominiums and owners of fee simple private property.

The provisions that refer to sensitive locations do not apply to condominiums. Condominiums would fall under private property. However, the last amendment to the bill changed the definition of "private property of another person without authorization" to exclude "an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property." This change can be read to mean that owners (and possibly tenants) of condominium units may carry concealed weapons on the common elements of the condominiums, without any restrictions. In other words, it would allow all owners (including angry owners) to carry concealed weapons when visiting the resident manager's office to complain about a fine or when attending an onsite board meeting or annual association meeting. This will endanger the health, safety, and welfare of all persons while on the common elements of condominiums.

I urge the committee to amend the bill to either add the common elements of condominiums to the definition of "sensitive areas" or allow condominium associations to adopt rules regulating the carrying of weapons, concealed or otherwise, on the common elements. At the very least, the right to carry weapons on the common elements should be limited to ingress and egress to the owner's or tenant's unit, using the most direct path, with no loitering.

Additionally, as drafted, the reference to private property in the bill appears to apply only to private property "that is leased." The bill previously provided that "private

property of another person without authorization" means property that is privately "owned or leased." However, it was amended so that it now refers to "residential, commercial, industrial, agricultural, institutional, or undeveloped property that is privately leased," subject to certain exceptions. The words "that is privately leased" as used in the current definition appear to modify the words "residential, commercial, industrial, agricultural, institutional, or undeveloped property." As such, the current definition appears to exclude fee simple private property from the definition of "private property of another person without authorization." This was surely a mistake as there is no good reason to exclude fee simple property. I urge the committee to amend the bill to include both leasehold and fee simple property in the definition of "private property of another person without authorization."

Thank you for your time and consideration.

Sincerely yours,

<u>/s/ R. Laree McGuire</u> R Laree McGuire

Submitted on: 3/20/2023 1:40:03 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Constance Perry	Individual	Support	Written Testimony Only

Comments:

Please support SB1230 for out keiki, our citizens and as I was recently reminded, many kupuna volunteer and or work at our shcools. Our health care professionals as well.

Mahalo,

Constance Perry

Makiki

March 20, 2023

SB1230 SD2 Testimony

Aloha Chair Tarnas, Vice Chair Takayama, and JHA Committee Members. Thank You for the opportunity to testify in **support of SB1230 SD2, JHA Committee Hearing, 03/21/23.**

- Due to SCOTUS' New York State Rifle and Pistol Association vs Bruen decision, I applaud the Hawaii State Senate and House of Representative's efforts to limit potential reach and harm of the said decision.
- As a registered firearm owner in the City and County of Honolulu, I believe SB1230 SD2 will help bolster the CCW vetting process and prohibit firearms in a variety of places within the State of Hawaii.
- SCOTUS' decision did not hold that a state cannot require a license to carry a firearm in public, as mentioned in an article released by the San Diego Sherriff's Dept on 06/23/22.
- Per an article entitled Cal Matters that covers the California Legislature- the said SCOTUS decision bans enforcement agencies from awarding CCW permits on their own subjective discretion, though SCOTUS' ruling still left it open for states to add their own "objective" standards.
- The ruling also enables Counties and States to specify "sensitive" gun-free zones.
- As of 2021, concealed handgun permits have increased to 21.52 million in the USA including states that require no permits.
- Certain gun advocates continually argue that school shootings like those at Sandy Hook, Ulvalde, St. Louis Central Visual Performing Arts High, and the recent Half Moon Bay workplace shootings could have been averted if more guns were available.
- Per an Associated Press article dated 6/18/22- From 2000 to 2021 fewer than 3% of 433 mass shootings ended with a civilian shooting back as cited by the Advanced Law Enforcement Rapid Response Training Center at Texas State University.
- The New York Times further reported it is far more common for police and/or bystanders to subdue alleged mass shooting suspects.
- Per the Gun Violence Archive (GVA) there have been a reported 109 shootings in the USA by March 12, 2023.
- The GVA further reports 149 people have been killed in mass shootings as of March 6th.
- I concur that CCW permit holders should not be allowed to bring firearms into State public schools, agencies that serve children, State government buildings, places of worship, banking/financial institutions, County polling places, transit complexes, and private property. The onus should not be upon private property owners- Hawaii State Legislation should cover this.
- I urge the Hawaii State Senate/House of Representatives ensure that charitable establishments include non-profits serving persons with disabilities/children/vulnerable clients, victims of domestic violence in safe houses and emergency shelters.

- Further, regarding Sensitive Places Within the State to ensure that CCW permittees will not be allowed to enter the State Capitol i.e., Governor/Lieutenant Governor's offices, House/Senate Members offices, HMSO, LRB, Senate/House SSA, PAR, and all adjoining departments.
- Per a Giffords Law Center study, I urge the Hawaii State Senate/House of Representatives to legislate SB1230 SD2 to safeguard its gun sensitive zones guidelines from pre-emption by either Federal or pro-gun lobby interests.
- Further per the Giffords Law Center study, to amend SB1230 SD2 to disallow honoring Out-of-State CCW permits brought to Hawaii e.g., from counties in Florida, Louisiana, Vermont, South Carolina, Arizona, Texas, and Ohio which reportedly have weak permitting laws. Forcing counties with strong CCW laws to comply with those having law laws poses a threat to public safety.
- Per the United States Concealed Carry Association (USCCA) merely carrying a concealed gun creates a false sense of security.
- USCCA urges developing Situational Awareness- including self-defense education and training. CCW is more than just carrying a gun in one's pants. No amount of study or preparedness can predict real life criminal encounters. There are no textbook scenarios or the "perfect" right to defend oneself.
- USCCA also cites that CCW novices must constantly think through their dress codecarrying two pounds of extra/chambered weight is less comfortable, requires **constant training**, vigilance, safe storage, liability insurance, and careful removal when entering gun-free/gun-sensitive zones.
- The X Insurance.Com (XIC) 03/14/22 study cited the National Safety Council's report that 1% of all gun deaths are due to unintentional discharges resulting in 535-gun deaths per year.
- This statistic means one person dies from unintentional gun discharges daily, especially amongst adults younger than 24.
- Inadequate experience/training are contributing factors for this age group who are around children and other young adults.
- Another factor is unholstering a gun in public places which could fall, discharge, and hurt someone. Inexperience leads to unintended discharges in public bathrooms, restaurants, and gatherings during removal of belts, careless removal from pockets.
- The USCCA warns that CCW permittees could still face criminal action if forced to use a gun in self-defense situations where aggressors are harmed or killed. Income, assets, and livelihoods could be lost via a civil liability lawsuit(s).
- As a retired social worker of 35 years, I know only too well the effects of gun violence in domestic/child abuse, custody cases, and incarceration cases.
- I also worked as a Legislative Aid at the City Council and Committee Clerk at the State of Hawaii Legislature for a combined total of 11 years.

- On February 14, 2023, JHA Chair David Tarnas publicly reported that a CCW permittee attended the hearing of HB984 with a handgun.
- The permittee reportedly informed the House Sergeant at Arms (HSAA) he was armed and was asked to leave.
- As a legislative aid/committee clerk I observed the HSAA is consistently vigilant at public hearings. What was the purpose of bringing a handgun to the State Capitol JHA hearing on 2/14/23?
- Lastly, I urge there be an addendum page documenting legal/constitutional checks for SB1230 SD2.

Again, Thank You for the opportunity to testify in **support of SB1230 SD2, JHA Committee** Hearing, 03/21/23.

Respectfully submitted,

Michael J. Leong

Submitted on: 3/20/2023 1:45:02 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Charles Tom	Individual	Comments	Written Testimony Only

Comments:

I oppose SB 1230 regarding the sensitive places where concealed carry firearms would not be allowed. If I was a criminal I would know where to go to commit a crime, because there would not be anyone with a gun at that place. The list is too extensive and needs to be reduced/amended. Persons who have a concealed carry permit have been through extensive classes, shooting testing, and background checks to insure that they are not a danger to the community. Give them the ability to protect their family and friends without the hinderence contained in this bill.

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 1:47:06 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Pavel Yushin	Individual	Oppose	Written Testimony Only

Comments:

Hawaii already has strict gun laws. More restrictions are Unconstitutional.

Dear Chair, Vice Chair, and Committee members:

My name is Elna Nagasako and I live in Makiki. I am testifying in support of SB1230.

Although I was born and raised in Hawaii, I practiced as a physician in Missouri, a state with much looser gun laws and a much higher rate of gun deaths. I want to convey three lessons about what it was like to live in a place where concealed guns are present in many everyday settings.

First, more guns in more places leads to more gun deaths.

If having more access to guns in public places made people safer, Missouri should be much safer than Hawai'i. In reality, this isn't the case. In Missouri, gun deaths are about seven times more common than in Hawaii. Notably, many shootings occur in everyday public settings. So far, just in 2023, there have been shootings in a public park, a grocery store parking lot, a bar, restaurant, and a gas station, among others.

Second, having guns where they don't belong can turn everyday disputes into deadly disputes.

As you deliberate this legislation, please keep in mind that concealed gun laws don't just involve highlytrained people protecting themselves. They also apply to people who are angry, emotional, or intoxicated, for whom a gun will turn a bad situation worse. In Missouri, shootings have occurred during workplace disputes, fights over parking spaces, and conflicts between neighbors.

Third, having guns in places where they shouldn't be imposes burdens on the whole community.

If we do not enact reasonable gun safety protections in Hawai'i, we are asking our moms, dads, kupuna, and keiki to have to wonder whether someone is carrying a gun every time they go to school, go shopping, or go to the beach and to assess others as threats rather than as "aunty" or "cousin".

I believe in honoring the Second Amendment, and I also believe that with rights come responsibilities, including keeping our community safe in places where we work, learn, and play.

Please support SB1230.

Thank you for this opportunity to testify.

Elna Nagasako

Makiki (96822)

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 1:55:52 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Melvin Casio	Individual	Oppose	Written Testimony Only

Comments:

Aloha committee members,

Im in opposition of SB1230. This bill would be infringing on our second amendment rights once again. Removing firearms from law abiding citizens because of a temperament or character issue is not the root cause of any public or mass shooting. These problems stem from past trauma or even bullying to some degree which will cause anyone to get unstable. Then someone could use any weapon to harm others or themselves.

We should be able to conceal carry in public without any pushback or extra requirements to obtaining the license. When certain situations arise, sometimes it would be too late for police to respond to calls that would require immediate life saving actions. And people who would otherwise conceal carry, know the extreme ramifications of drawing their weapon and having to use it. Although I do not seek to use deadly force, I do want to protect myself, my family and others in the event something terrible was to happen. We should be able to conceal carry everywhere the police are able to carry their firearms. Like I said earlier, it would be too late for police to respond to certain calls that would need immediate attention. We cannot be forced to purchase firearm insurance because that should be a freedom of personal choice to do so or not. I personlly would voluntarily purchase firearm insurance to conceal carry but it should not be a mandatory requirement.

The current process to acquire a permit is adequate enough and should not enter into an appeals process. That would mean more of an extensive process to acquire a permit through the background check, maybe and interview process and etc. And this bill would involve physicians assistants and registered nurses into releasing sensitive information that a certified/qualified doctor is supposed to do. We already have staffing issues within our healthcare system on island, why do we have to involve more parties of the healthcare system and have to add to their overwhelming plates already?

Thank for your time hearing me out

<u>SB-1230-SD-2</u> Submitted on: 3/20/2023 1:59:40 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Allegra Giacchino	Individual	Support	Written Testimony Only

Comments:

Aloha,

As a Hawaii resident, parent, and social worker, I am writing to express strong support for SB1230 SD2. Hawaii has a history of solid, well-written gun laws, as well as a history of low gun violence. This is not a coincidence.

SB1230 SD2 puts in place minimum application requirements for carrying a gun, and common sense limits on where those guns can been taken. Despite what gun lobbyists proclaim, more and more guns in the community does not result in greater safety. In fact, it is quite the opposite.

Please, act to to keep our communities safe, and support SB1230 SD2.

Mahalo for your consideration,

Allegra Giacchino (96816)

Submitted on: 3/20/2023 2:03:32 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn Pearl	Individual	Support	Written Testimony Only

Comments:

My name is Carolyn Pearl and I'm proud to have lived in Hawaii, one of the safest places from gun violence in the US, for over 30 years. Because I want to keep us safe, I strongly support the passage of SB 1230 SD2.

Hawaii has been relatively safe from gun violence - so far - because of our common sense gun laws and our geographic separation from other states that have lax (or no) firearms regulation. The Bruen decision has dramatically emboldened a group of gun owners who want Hawaii to mimic jurisdictions which have guns everywhere, all the time. Most Honolulu residents, however, prefer that this remains a safe place to live and raise our families by limiting the presence of firearms in public spaces here. A "Big Q" survey in the 3/14/23 edition of the Star Advertiser found that 76% of the respondents support limiting gun carrying "as much as possible" and only 19% said that the proposed restrictions were too limiting. Another Big Q survey, published in the 3/20/23 edition of the Star Advertiser, showed that 70% of the respondents agree that the law should provide for designated safe spaces.

We should be able to continue to go shopping, to worship, to work or school, to parks and beaches without worrying that our lives are in the hands of some random person with a gun who's having a bad day.

Hawaii needs clear boundaries on where people can and can't bring firearms. We also need strong, common sense standards to assure that these armed citizens are trained and competent in the safe handling and storage of their weapons. There's nothing wrong with being well regulated.

All I ask is that common sense prevail. Please pass SB 1230.

Submitted on: 3/20/2023 2:11:06 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Luppino	Individual	Comments	Written Testimony Only

Comments:

20 March 2023

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee:

1. 1230, S.D.2 ("S.B.1230") addresses the carrying of concealed firearms in: 1) sensitive locations and 2) private property of another person without authorization. While I agree with the intent of S.B. 1230, I urge the Committee to amend it to provide protection to persons living in condominiums and owners of fee simple private property.

The provisions that refer to sensitive locations do not apply to condominiums. Condominiums would fall under private property. However, the last amendment to the bill changed the definition of "private property of another person without authorization" to exclude "an owner, lessee, operator, or manager of the property, including but not limited to an ownership interest in a common element or limited common element of the property." This change can be read to mean that owners (and possibly tenants) of condominium units may carry concealed weapons on the common elements of the condominiums, without any restrictions. In other words, it would allow angry owners to carry concealed weapons when visiting the resident manager's office to complain about a fine or when attending an on-site board meeting or annual association meeting. This will endanger the health, safety, and welfare of all persons while on the common elements of condominiums.

I urge the committee to amend the bill to either add the common elements of condominiums to the definition of "sensitive areas" or allow condominium associations to adopt rules regulating the carrying of weapons, concealed or otherwise, on the common elements. At the very least, the right to carry weapons on the common elements should be limited to ingress and egress to the owner's or tenant's unit, using the most direct path, with no loitering.

Respectfully submitted,

Mark Luppino

60 North Beretania St, apt 2909

Honolulu, Hawaiʻi 96817

Submitted on: 3/20/2023 2:40:40 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mitchell H. Weber	Individual	Oppose	Written Testimony Only

Comments:

I strongly Oppose SB1230,

The proposed measures in SB1230 fail to pass constitutional muster. Similar bills submitted by our Anti2A legislators(similar as in a copy&paste duplicate) have already been challenged and struck down in their circuits.

Your willingness to pass this legislation after being informed of the illegal measures is an affront to your oath of office. The assumed plan put forth by our bought and paid for Anti 2a legislators&Gov of passing this bill and then stalling any challenges in the court system(using Gov. Green's self admitted "very good lawyers") is a sick bastardization of the spirit of our legal system.

The narrative being spun about the Bruen decision by our local media and legislators always prefaces the decision as an "expansion of gun rights". The truth of the matter, is that these rights always existed in HI. The Bruen decision merely affirms that the state government was illegally infringing upon the rights of our Hawaii citizens. You are about to repeat the same mistake.

Do with this information as you will.

Sincerely,

Mitchell Weber.

SB1230 SD2 Relating to Firearms

I strongly support the Legislature's focused efforts this year to renew and reinforce our state's admirable established commitment to limitations on the use of guns in Hawaii and standards of eligibility for carrying a gun in public. This bill is needed because a recent US Supreme Court decision opened the door to little restriction on carrying guns out into public common space and has put the burden on individual states to enact restrictions. The bill includes an appeals process

From all I have heard and seen in reports in the Star Advertiser and letters to the editor, a clear majority of Hawaii's people wants to keep guns out of by sensitive places where firearms should not be carried in public. For the general public in Hawaii, its citizens and visitors, freedom from fear of going out into public common open spaces and buildings in daily life, or for peaceful, well-managed public demonstrations, surely is more important than the desire of individual citizens to have unrestricted freedom to own or carry a firearm wherever they wish.

Given the alarming rise in the number of mass shootings across the nation in recent years, and the lack of support by the Supreme Court for common sense nationwide restrictions on ownership or carrying a firearm, our state must act now set out the restrictions in SB1230. There is an appeals process. It will be very important to follow up with strict enforcement of the common sense guardrails against ownership and carrying firearms in public by individual people who should not be carrying a firearm.

Furthermore, the requirements for safety training in gun use should help reduce the number of <u>domestic violence cases</u> that end in death or serious injury of adult partners and the lifelong effect of such violence on their children. The requirements for safer storage of guns which were purchased for home defense should <u>reduce the tragic number of cases</u> <u>where children</u>, or mentally disturbed adult family members, <u>find a gun and shoot it</u>, either accidentally or on purpose. These cases represent the greatest loss of life or serious injuries. No other developed nation suffers anywhere near this level of loss.

License and insurance requirements for legally carrying a gun in public should also help reduce the temptation for people to avoid licensing and insurance requirements by buying guns from friends or family members or at a gun "fair".

Mahalo nui loa for considering my views.

Janet Thebaud Gillmar 3035 La-I Road Palolo Valley (testifying as an individual citizen) March 20, 2023

Submitted on: 3/20/2023 5:37:51 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michele Nihipali	Individual	Support	Written Testimony Only

Comments:

Please pass SB1230's common sense approach on who and where concealed fire arms can be carried in public. Too many gun deaths have happened in the US and Hawaii has so far been spared a major gun tragedy. SB1230 SD2 will provide clear boundries where guns are not allowed and maintain clear permitting of who is allowed to carry a cncealed weapon.

Thank you for your consideration,

Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717

Submitted on: 3/20/2023 7:21:52 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
james	Individual	Oppose	Written Testimony Only

Comments:

i oppose to billSB1230.Criminals are already have the luxuary of carring firearms anytime anywhere,anyhow.Should I then become a criminal so I can have that benefit?There are people carrying guns in public as we speak but liberals dont care.Only if law abiding citizens get punished.Thats why "WE THE PEOPLE" is essential.Government dont own us,which is why The Constitution is the Key to Freedom.If you dont respect the comstitution,we will resist your tyranny.Our government is 98% communist and Godless so hopefully judgement comes ASAP.Satanic people trully belongs in hell.

Submitted on: 3/20/2023 8:51:05 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Lu Kelley	Individual	Support	Written Testimony Only

Comments:

Aloha.

We have an urgent need for gun safety in Hawai'i and need your help by passing SB1230 ${\rm SD2}$.

SB1230 SD2 which would set up clear permitting requirements before someone is allowed to carry a gun in public and clear boundaries on where someone can and can't bring those guns.

Please do the right thing and pass SB1230 SD2.

Thank you,

Mary Lu Kelley

Kapa'a, HI

Submitted on: 3/20/2023 9:17:30 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
STANLEY RUIDAS	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE

Submitted on: 3/20/2023 9:23:00 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
tia pearson	Individual	Support	Written Testimony Only

Comments:

Personally, I see no reason to carry guns in public with a chance of the gun going off and hurtng someone. It happens quite a bit. Since not being able to carry a gun is going to happen, the next best thing is to have requirements to he able to have one. Also, traning and maintenace should be required

Submitted on: 3/20/2023 10:26:45 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John D'Adamo III	Individual	Oppose	Written Testimony Only

Comments:

I Oppose SB1230 Over reaching, Unconstitutional and will only end in court at taxpayers expense

Submitted on: 3/20/2023 11:15:23 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sean Loo	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because it infringes on our second amendment rights and inhibits law abiding citizens from defending themselves. Criminals do not follow the law and labeling somewhere as a sensitive place doesn't magically make it safe from criminals or prevent criminals from going to those places. This Bill only makes law abiding citizens more vulnerable to becoming a victim and would further embolden criminal intent in these areas because criminals will know that people in these so called sensitive places will be unarmed and unable to defend themselves.

Submitted on: 3/21/2023 3:41:51 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Les J.	Individual	Oppose	Written Testimony Only

Comments:

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This measure may involve positive intent, but its language punishes law-abiding citizens and unlawfully infringes on their Constitutionally-protected 2nd amendment rights. As a result, please defer thus measure. Thank you

Submitted on: 3/21/2023 4:01:25 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jon Montenero	Individual	Oppose	Written Testimony Only

Comments:

The Constitution of the United States, which I remind legislators Hawaii is part of, does not grant authority to the states to abrogate the rights guaranteed therein. The proposed Act would be akin to the state government reserving to itself the authority to deny citizens the right to vote if it is deemed, in the state's view, that the citizen might vote irresponsibly. Self defense, especially in the face of increasing crime which the state does little to counter, is a God-given right and not a matter of "permission" to be granted by the state which, in these United States, derives its authority FROM the people!

Submitted on: 3/21/2023 6:25:11 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
adam ruderman	Individual	Support	Written Testimony Only

Comments:

I am a school teacher. Last week at our school--as has become required at all schools--we did an active shooter drill. I am always taken aback during these exercises that we have come to this point, that we don't see it anymore as outside the realm of possibility that someone from our own community would try to harm child at school with a firearm. What strikes me as especially alarming is what is going through the minds of our students during these drills, as they silently sit on the floor, advised to get out of the line-of-sight of any windows through which a would-be assailant might target them. How can their imaginations not run wild? And not in a good way. I remember growing up in the '80s at the height of the Cold War doing nuclear bomb attack drills at school. I remember ducking under my desk and wondering how the nuclear fallout was going to miss me in such a vulnerable position. And--most tellingly--I remember getting awakened at the age of 12 in the middle of the night by a particularly loud and rumbly thunder strike during a rainstorm and thinking (literally, I thought this), "Well, this is it...that MUST have been a nuclear bomb. I wonder how long it will be until the blast wave sweeps over the hill and gets me?". There are way, way too many guns in our country. There is way, way too much awareness of guns in our kids' minds. And there is just no way-no way--we need our kids seeing guns in town, guns at restaurants, guns at the supermarket. Please lead the way and pass this sensible piece of legislation.

Submitted on: 3/21/2023 6:38:05 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynn Murakami Akatsuka	Individual	Support	Written Testimony Only

Comments:

I strongly support the passage of SB 1230, SD 2 this session. This is an important piece of legislation that provides clarity on this firearms issue impacting our communities statewide.

Submitted on: 3/21/2023 7:04:46 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Justin h	Individual	Oppose	Written Testimony Only

Comments:

Unconstitutional

Submitted on: 3/21/2023 7:38:10 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Casey	Individual	Support	Written Testimony Only

Comments:

Support

Submitted on: 3/21/2023 9:11:42 AM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeanne Schultz Afuvai	Individual	Support	Written Testimony Only

Comments:

I support passage of SB1230 to protect the Keiki of Hawaii Nei. Mahalo Nui.

Submitted on: 3/21/2023 1:59:39 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Raelene Tenno	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose this bill as it applies to Condominiums, Planned Community Associations and coops.

Thank you!

Submitted on: 3/21/2023 9:18:15 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
jeanne wheeler	Individual	Support	Written Testimony Only

Comments:

PLEASE pass this bill - Mahalo, JW

Submitted on: 3/21/2023 11:07:51 PM Testimony for JHA on 3/21/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
kimo galon	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1230.

The legislative reps have no idea how to decipher who is lacking the essential character or temperament. How do you make a call on this and how do you decide who makes this call.

Everything has its risks. Driving from A to B has its risks. Criminals are out and about every day and have been committing crimes without any repercussions. But we as law abiding citizens are hit with restrictive legislation and laws every day.

We may not have many shootings in Hawaii but how many crimes are considered violent? How many women have been raped or abused by men much bigger and stronger than them. The second amendment provides them with an equalizer to keep themselves safe.