

#### **ON THE FOLLOWING MEASURE:** S.B. NO. 1230, RELATING TO FIREARMS.

#### **BEFORE THE:**

SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

DATE:	Monday, February 6, 2023	TIME:	3:00 p.m.
LOCATION:	State Capitol, Room 225		
<b>TESTIFIER(S):</b> Anne E. Lopez, Attorney General, or Dave Day, Special Assistant to the Attorney Gen		torney General	

Chair Wakai and Members of the Committee:

The Department of the Attorney General (Department) <u>strongly supports</u> the intent of this bill and provide the following comments.

The purpose of this bill is to amend chapter 134, part I, Hawaii Revised Statutes (HRS), to: (1) establish an offense of carrying a firearm in certain "sensitive" locations, which is a misdemeanor, (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, 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, (5) add a definition of the term "enclosed container" to section 134-5, (6) set forth requirements, qualifications, and procedures for an applicant seeking a license to carry a firearm, (7) require a license issued under part I of chapter 134, to be revoked under certain circumstances, and (8) require firearms to be kept in a locked container in a vehicle and place the container out of plain view when leaving the firearm in an unattended vehicle.

The Department <u>strongly supports the intent of this bill.</u> Gun violence represents an urgent public-health and public-safety issue, and S.B. No. 1230 would play an important role in clarifying, revising, and updating Hawaii's firearms laws—addressing Testimony of the Department of the Attorney General Thirty-Second Legislature, 2023 Page 2 of 5

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. 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.

In the wake of New York State Rifle and Pistol Association v. Bruen, 142 S. Ct. 2111 (2022) (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. But 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. The Department believes that S.B. No. 1230 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—and for these reasons strongly support the intent of the bill.

Consistent with its strong support for this bill, the Department also offers the following comments.

Testimony of the Department of the Attorney General Thirty-Second Legislature, 2023 Page 3 of 5

First, the Committee may wish to consider adding a provision establishing that persons carrying a firearm in public must maintain their license on their person. Such a provision could, in the view of the Department, help promote public safety by ensuring that those who carry firearms pursuant to a license comply with applicable registration and licensing requirements. Similarly, the Committee may also wish to include a provision requiring persons stopped by law enforcement to inform a law enforcement officer when they are carrying a firearm concealed on their person. Such a provision would be intended to protect the public, protect law-enforcement-officer safety, and promote situational awareness during investigatory stops. A number of states have established similar requirements. Cf. N.C. Gen. Stat. § 14-415.11(a) ("[Licensee] shall carry the permit together with valid identification whenever the person is carrying a concealed handgun, shall disclose to any law enforcement officer that the person holds a valid permit and is carrying a concealed handgun when approached or addressed by the officer, and shall display both the permit and the proper identification upon the request of a law enforcement officer."); Alaska Stat. Ann. § 11.61.220 (providing that a person must "immediately inform the peace officer of [firearm] possession" when stopped by law enforcement).

Possible wording to this effect—drawn from a similar bill, Senate Bill No. 1282 is reproduced below:

§134- 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 violates this section shall be guilty of a petty misdemeanor.

Second, the Committee may wish to consider amending the bill to require that persons who carry a firearm in public pursuant to a license to maintain insurance coverage insuring against loss resulting from liability imposed by law for bodily injury, death, and property damage arising out of the ownership, maintenance, operation, or use of a firearm carried in public. The Department believes that such a policy could help to promote safe practices and responsible gun ownership and make it more likely that persons injured by firearms will receive compensation. A similar provision was adopted by the New Jersey Legislature in December last year.

Possible language to this effect—again, drawn from Senate Bill No. 1282—is reproduced below:

§134- Mandatory insurance coverage. (a) Effective January 1, 2025, every person who carries a firearm in public pursuant to a license issued 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, <u>maintenance, operation, or use of a firearm carried in public. Liability</u> <u>coverage shall be not less than \$100,000 per person, with an aggregate</u> <u>limit of not less than \$300,000 per occurrence.</u>

(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.

Additionally, the Department notes that the term "handgun" used in page 17, lines 2, 7, 9, 13, 16, and 21, is not defined in chapter 134, HRS. We recommend replacing it with a term that is already defined for chapter 134, such as "pistol or revolver" or define the term "handgun." The Department also recommends replacing "firearm" on page 19, line 17, with "pistol or revolver" for consistency with subsection (a) of section 134-9.

Thank you again for the opportunity to provide comments on the bill. As noted above, the Department strongly supports the intent of this bill. The Department stands ready to assist this Committee with this measure at any time. JOSH GREEN GOVERNOR



STATE OF HAWAII | KA MOKU'ĀINA O HAWAI'I DEPARTMENT OF LAW ENFORCEMENT Ka 'Oihana Ho'opalekana Lehulehu 1177 Alakea Street Honolulu, Hawaii 96813

(808) 587-2562

TESTIMONY ON SENATE BILL 1230 RELATING TO FIREARMS Before the Senate Committee on Public Safety and Intergovernmental and Military Affairs Monday, February 6, 2023; 3:00 p.m. State Capitol Conference Room 225, Via Videoconference

#### WRITTEN TESTIMONY ONLY

Chair Wakai, Vice Chair Elefante, and members of the Committee:

The Department of Law Enforcement (DLE) recommends that the Legislature address the issues of this bill through Senate Bill 1282 or House Bill 984, which are the Administration's comprehensive bills on this subject.

The administration measures address many of the firearms related issues facing the State following the United States Supreme Court decision in <u>N.Y. State Rifle & Pistol Ass'n, Inc. v. Bruen</u>, 142 S. Ct. 2111, 2133 (2022), which held that the Second Amendment provides for an individual right to keep and bear arms for lawful purposes and the states retain authority to enact "a 'variety' of gun regulations." id. at 2162. The Attorney General has addressed the Constitutionality or legality of the various provisions of these bills that address a variety of firearms related issues facing the State and this Legislature. For this reason, the DLE recommends that the Legislature pass one of the Administration's bills, Senate Bill 1282 or House Bill 984.

Thank you for the opportunity to submit comments on this bill.

MICHAEL S. VINCENT Deputy Director Administration

JORDAN LOWE

DIRECTOR

Vacant Deputy Director Law Enforcement

No.

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 SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS Monday, February 6, 2023, 3:00 PM, Via Videoconference

- TO: Senator Glenn Wakai, Chair, and Members of the Committee on Public Safety and Intergovernmental and Military Affairs
- RE: TESTIMONY IN SUPPORT OF SENATE BILL 1230, RELATING TO FIREARMS

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

DTS fully agrees with including public transit vehicles and facilities in the definition of "sensitive location." DTS respectfully requests a couple of additions to the list in subsections (h)(13) and (14). In subsection (h)(13)(A) for "Buses," please add "paratransit vans" so that it reads "(A) Buses and paratransit vans." And in subsection (h)(14)(B) for "Bus terminals," please add "shelters" so that it reads "(B) Bus shelters and terminals."

Thank you for your consideration of our additions and for the opportunity to submit this testimony in support.

HEATHER L. KIMBALL COUNCIL CHAIR Council District 1 (North Hilo, Hāmākua, and portion of Waimea)



Phone: (808) 961-8828 Fax: (808) 961-8912 Email:<u>heather.kimball@hawaiicounty.gov</u>

### HAWAI'I COUNTY COUNCIL

COUNTY OF HAWAI'I 25 Aupuni Street, Ste. 1402, Hilo, Hawai'i 96720

February 5, 2023

To: Senator Glenn Wakai Chair of the Senate Committee Public Safety and Intergovernmental and Military Affairs

Re: SUPPORT for Senate Bill 1230 - RELATING TO FIREARMS.

Aloha Chair Wakai and Honorable Members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs,

Let me start by applauding you for taking up the important matter of addressing firearms licensing, concealed carry, the transportation of firearms and identifying sensitive places in the State of Hawai'i. I am in **strong support** of SB1230 as the most comprehensive legislation introduced in the 2023 session to address all of these issues at the state level.

I wanted to speak specifically to the portion of SB1230 which addresses sensitive places. Hawai'i County passed Bill 220 in 2022 identifying sensitive places in our County. The final version identified the following places as sensitive places:

(a) Any person granted a license to carry a concealed or unconcealed firearm shall not carry such licensed firearm in the following sensitive places:

- (1) Hospitals, medical facilities, medical offices, and/or medical clinics, except where permission is granted to such person by the administrator of the facility;
- (2) Schools, colleges, universities, and/or places where persons are assembled for educational purposes, except where permission is granted to such person by the institution;
- (3) Daycare centers, playgrounds, and parks, except where permission is granted to such person by the administrator of the facility;
- (4) Churches or religious assemblies, except where permission is granted by the administrator of the church, facility, or congregation;
- (5) Voter service centers or places of deposit, and any appurtenances thereto, as defined by section 11-1, Hawai'i Revised Statutes;
- (6) Government buildings and the accompanying parking lots attached to such buildings, except when the licensed firearm is kept in the vehicle unloaded with an affixed trigger lock or in a locked case;
- (7) Private property open to the public where it is conspicuously posted that public carry of firearms is not allowed;
- (8) Public transit facilities and any mode of transportation utilized for public transit; *Hawai'i County is an Equal Opportunity Provider and Employer*

- (9) Bars, restaurants, and establishments that serve alcohol for consumption on its premises; and
- (10) Places where people are assembled for an event, social gathering, rally, demonstration, or public exhibition where it is conspicuously posted by the organizers that public carry of firearms is not allowed.

In our deliberations three discussion points came up that I think are important to highlight: the Bruen decision does allow for the establishment of sensitive places, the second amendment does not supersede all other constitutional rights and finally the narrative that "good guys" with guns help to protect us from "bad guys" with guns is simply false.

The Bruen decision determined that Hawai'i's concealed carry law was unconstitutional because the permitting process required that applicants provide a reason related to self-defense to be issued a permit. Because this was subjective, it was determined that it violated the second amendment. The majority Bruen decision, and the consenting opinions left the door open for the adoption of rules to identify sensitive places. While government buildings and schools were specifically named as potential sensitive places, the door was left open to include other locations based on historical precedent. All of the locations that Hawai'i County has identified as sensitive places have a historical precedent.

In our discussions, the argument was made by some testifiers that the right to carry firearms is protected under the second amendment. It is important to recognize that it was only in 2008 that the Supreme Court determined in the case District of Columbia v. Heller, that the "Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home." Prior to this decision, constitutional scholars argued that the Framers intended only to restrict the Federal Government from taking away a state's right to form their own self-defense, pointing to the amendment identification of "a well regulated Militia." Regardless of the interpretation, the fact is that the second amendment does not trump other individual and property rights in the constitution. Hawai'i has a tradition of very low gun ownership, in fact 50% of the new gun permit applications are coming from new transplants to the islands. Let's not import the mainland's gun violence. The establishment of sensitive places is in alignment with the culture in Hawai'i and balances the rights to feel safe in our communities with the ruling of the Supreme Court.

Finally, we heard the argument that "good guys" with guns protect us from the rampant crime caused by "bad guys" with guns. This is false and the research bears this out. A 2015 Harvard University study found that of gun related crimes from 2007 to 2011 that "victims use guns in less than 1% of contact crimes, and women never use guns to protect themselves against sexual assault" <sup>1</sup>. It further concluded that victims using a gun were no less likely to be injured than victims using other forms of protective action and there is "little evidence that self-defense gun use is uniquely beneficial in reducing the likelihood of injury or property loss." Hawai'i has the lowest gun deaths the country and we rank 4<sup>th</sup> in the nation in the strength of our gun laws according to the Giffords annual report (https://giffords.org/lawcenter/resources/scorecard/). Across the United States there is a clear correlation between the number of gun deaths and the strength of a state's laws. A 2019 study from the British Medical Journal found that with 10 unit increase in state gun law permissiveness there was an associated 11.5% higher rate of mass shootings <sup>2</sup>. Furthermore, a woman is five times more likely to be killed in domestic

violence incident if her assailant has a gun<sup>3</sup>, owning a handgun increases the likelihood that a suicide will be successful<sup>4</sup>, and according to the Kaiser Family Foundation, firearms are the number one cause of death for children in the United States, surpassing motor vehicle deaths and those caused by other injuries. Limiting the proliferation of firearms particularly in public spaces is critical to protecting the health and safety of our residents.

As the Hawai'i County sensitive places bill was making its way through our legislative process I fought hard to ensure as many sensitive places were identified as possible. This was to protect individual and private property rights, for residents to feel safe and secure, and to live without the fear of gun violence which we have enjoyed for so long. The only amendment that I was unable to get passed was related to item (7) "Private property open to the public where it is conspicuously posted that public carry of firearms is not allowed;". I think it is preferable to have the rule be that firearms are not permitted, unless the property owner posts a sign that specifically states that they are permitted. The vote was 4-2 in favor of the amendment, but due to absences that day, I was unable to get a quorum in favor of the amendment. I encourage you to consider this approach in SB1230 as well.

Again, I am grateful for the introducers of SB1230 for taking on this challenging topic and developing such a comprehensive bill. Even though we passed a sensitive places bill in Hawai'i County, I think a consistent statewide policy as proposed in SB1230 would be best. Thank you in advance for your consideration and I urge you to **support SB1230**.

Sincerely,

Hungler Kilall

References:

1. Hemenway D, Solnick SJ. The epidemiology of self-defense gun use: Evidence from the National Crime Victimization Surveys 2007-2011. Preventive Medicine. 2015; 79: 22-27

2. Reeping P M, CerdÃ<sub>i</sub> M, Kalesan B, Wiebe D J, Galea S, Branas C C et al. State gun laws, gun ownership, and mass shootings in the US: cross sectional time series BMJ 2019; 364 :1542 doi:10.1136/bmj.1542

3. Campbell JC, Webster D, Koziol-McLain J, Block C, Campbell D, Curry MA... & Laughon K. (2003). Risk factors for femicide in abusive relationships: results from a multisite case control study. American Journal of Public Health.

4. Studdert DM, Zhang Y, Swanson SA, Prince L, Rodden JA, Holsinger EE, Spittal MJ, Wintemute GJ, Miller M. Handgun ownership and suicide in California. N Engl J Med. 2020;382(23):2220–9.

#### <u>SB-1230</u>

Submitted on: 2/3/2023 2:36:17 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
BUTCH KAUIHIMALAIHI HELEMANO	Testifying for Firearm Training Certification School	Oppose	Written Testimony Only

Comments:

Aloha. In am in against this **violation of the 2nd Amendment!** This is a blatant may issue **scam!.** You are violating our constitutional rights with this **insane** bill!

99% of the states in America honor the 2nd amendment, they only ban guns at Hospitals, Federal buildings, Airports, schools, and prisions ect, you are taking away our freedon, "we "are **not in Communis Russia!.** 

The supreme court specifically said, "**Shall not be Infringed'** so please "obey the Law! of our Land, and cancel this violation of our "Right" to keep and bare arms, as Law abiding citizens on the USA!



#### Testimony of Ramya Swami, State Policy Manager Support for SB 1230 Before the Senate Committee on Public Safety and Intergovernmental and Military Affairs

February 3rd, 2023

Dear Chair Wakai, Vice Chair Elefant, and Members of the Committee on Public Safety and Intergovernmental and Military Affairs,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike, to take action, not sides, and end America's gun violence epidemic. Brady today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans from coast to coast, red and blue, young and old, liberal and conservative, to combat the epidemic of gun violence. In furtherance of our goal to reduce firearm violence across Hawaii, the Brady Campaign to Prevent Gun Violence is proud to support the passage of SB 1230.

Hawaii leaders have persisted in prioritizing 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 shows that 55 people in Hawaii are killed by gun violence each year.<sup>1</sup>

These numbers demonstrate that there remains more work to be done, and in the wake of the Supreme Court's (SCOTUS) decision in *NYSRPA v. Bruen (Bruen)*, which invalidated parts of Hawaii's concealed carry licensing provision, it is imperative that action be taken. Hawaii must respond to the SCOTUS decision by passing SB 1230, which would ensure the safety of its residents and visitors.

<sup>&</sup>lt;sup>1</sup> Centers for Disease Control and Prevention (CDC), *WISQARS Injury Data*, <u>https://www.cdc.gov/injury/wisqars/index.html</u>

#### Why This Bill is Needed

In the week following the release of the *Bruen* decision, over 600 people in Honolulu reportedly applied for concealed carry permits, and we can only expect thousands more applications statewide.<sup>2</sup> In a State that had not issued any concealed carry permits for several years 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 is complacent in its response to the *Bruen* decision and does not 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.<sup>3</sup> 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.<sup>4</sup> It is therefore crucial that the legislature acts without delay to pass SB 1230. 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 SB 1230) saw a 9.5% increase in firearm related assaults over a decade.<sup>5</sup> In the interest of protecting its citizens, Hawaii must ensure it has a standardized and robust concealed carry permitting system.

The Supreme Court in *Bruen* left it up to State and local legislatures to restrict the use of firearms in certain "sensitive places," including schools and government buildings. SB 1230 is consistent with SCOTUS case law, and 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

SB 1230 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

https://www.civilbeat.org/2023/01/hawaii-lawmakers-seek-shields-against-supreme-court-rulings-on-abortion-guns/ <sup>3</sup> Wilson, N. (2022, October 4). *Fact sheet: Weakening requirements to carry a concealed firearm increases violent crime*. Center for American Progress. Retrieved October 25, 2022, from

https://www.americanprogress.org/article/fact-sheet-weakening-requirements-to-carry-a-concealed-firearm-increases \_violent-crime/

<sup>&</sup>lt;sup>2</sup> Lovell, B. *Hawaii lawmakers seek shields against Supreme Court rulings on abortions, guns,* Honolulu Civil Beat, (2023, January 24). Retrieved February 3, 2023 from

<sup>&</sup>lt;sup>4</sup> Donohue, J. J., Aneja, A., & Weber, K. D. (2017, June 19). *Right-to-carry laws and violent crime: A comprehensive assessment using panel data and a state-level synthetic control analysis*. NBER. Retrieved October 25, 2022, from <u>https://www.nber.org/papers/w23510</u>

<sup>&</sup>lt;sup>5</sup> Doucette. M.L., McCourt, A., Crifasi, C.K., & Webster D.W., (2022, September 20). *Impact of Changes to Concealed Carry Weapons Laws*. Center For Gun Violence Solutions. Retrieved November 10, 2022 from <a href="https://doi.org/10.1093/aje/kwac160">https://doi.org/10.1093/aje/kwac160</a>

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.

SB 1230 further outlines "sensitive places" where firearms cannot be carried, including child care facilities and 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 will only 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 it clear that its holding was "neither a regulatory straightjacket nor a regulatory blank check," and that restrictions on guns in sensitive places are still permissible, so long as they are objective.

#### Conclusion

The provisions of SB 1230 are consistent with *Bruen* and pass constitutional muster; in light of 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, Hawaii will keep its public spaces safe from the threat of senseless firearm violence. For these reasons, Brady urges the Committee on Public Safety and Intergovernmental and Military Affairs to vote YES on SB 1230.

Sincerely,

Ramya Swami State Policy Manager The Brady Campaign to Prevent Gun Violence

#### <u>SB-1230</u> Submitted on: 2/3/2023 5:10:10 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Barbara Gomes	Testifying for 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.



# A Just Peace and Open and Affirming Congregation

#### THE CHURCH OF THE CROSSROADS TESTIMONY IN SUPPORT OF BILL SB 1230

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, 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.

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(h)(6), also include as "sensitive places" <u>adult</u> homeless shelters and adult correctional programs, and similar programs for adults at-risk, so that the definition is not restricted only to children. Many of the adults in these supportive programs experience mental illness and/or substance abuse addiction where presence of any firearm creates an unreasonable and imminent danger to all.

(6) Zoos, playgrounds, museums, libraries, recreation centers, and shelters and residential facilities operated by a government entity or a charitable organization serving unhoused persons, persons involved in the juvenile justice system or adult correctional system, or other persons who are similarly at-risk;

B. In HRS 134-A(h)(18), require a "clear and conspicuous posting" by all the listed establishments, 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 the entrance of the building or on the premises indicating that license holders are permitted to carry firearms on the property.

C. In HRS 134-B(e), mental health background checks need to be effectively designed to search all pertinent data bases, require appropriate disclosures, and obtain HIPAA-compliant authorizations for background information from health care providers, health plans and governmental sources for a reasonable time period (such as 10 years). This should include a search of DOH AMHD, Public Safety Division and Family Court for relevant records of individuals who have been dangerous, involved in domestic violence, and "red flag" orders, hospital commitment and similar psychiatric background not otherwise included on national databases.

D. In HRS 134-9(b)(5), the standard for derangement standard is phrased only in the current sense "is exhibiting", and should also include a past perspective of "has not exhibited," as to the enumerated indicia of dangerousness

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>



February 06, 2023

Senate Committee on Public Safety and Intergovernmental and Military AffairsHearing Time:03:00 p.m.Location:State CapitolRe:SB 1230, Relating to Firearms

Aloha e Chair Wakai, and members of the Committee:

We are writing in strong support of SB 1230, Relating to Firearms.

This bill will 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. It will 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. It will also 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 a sensitive location; require licenses to carry 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; establish penalties for violations.

Every single day, more than 110 people in the United States are killed with guns and more than 200 are shot and wounded (Everytown for Gun Safety). And in 2021, the most recent year with full data released, gun deaths reached their highest level in at least 40 years, with 48,830 deaths in that year alone (Giffords Law Center). As you read this testimony, in this very moment, people are dying. Children are dying. You can spend days going through the statistics that depict the plague of gun violence in America. And let's not forget the invisible effects, too – the emotional and mental trauma inflicted on victims and witnesses. Gun violence, in every way possible, destroys lives.

Gun violence has become its own epidemic. But like disease, this sickness can be treated. With strict gun laws and strong enforcement, we can protect our community from senseless gun violence and deaths. We need to take action, and we need to do it now. Please, help us save lives.

Students Demand Action (SDA) is a national organization of high school and college-aged activists committed to ending gun violence. When lawmakers offered thoughts and prayers but little meaningful action after the 2018 mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida, students across the country came together to make our voices heard. SDA started in 2016 as a pilot program and, with a sense of urgency, was launched as a national initiative within two weeks of the Parkland shooting. Because what could be more urgent than fixing the errors in our system that have cost so many young people their lives? SDA now has more than 500 groups across the country and active volunteers in every state and D.C. As the SDA Hawai'i Chapter, we focus our efforts on legislative action, community outreach and education, and organizing.

#### Please support SB 1230.

Mahalo nui loa,

Leah Delos Santos President and Co-Founder Students Demand Action Hawai'i <u>leahds@hawaii.edu</u>



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: Senator Wakai, Chair Senator Elefante, Vice Chair Senate Committee on Public Safety and Intergovernmental and Military Affairs
- Re: SB1230, relating to firearms 3:00 p.m., Feb. 6, 2023

Aloha Chair Wakai, Vice Chair Elefante 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**.<sup>1</sup> 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.<sup>2</sup>

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."<sup>3</sup>

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

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

<sup>&</sup>lt;sup>3</sup> 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>



February 6, 2023

Members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs:

Chair Glenn Wakai Vice Chair Brandon J.C. Elefante Sen. Carol Fukunaga Sen. Angus L.K. McKelvey Sen. Brenton Awa

Re: SB1230 Relating to Firearms

Dear Chair Wakai, Vice Chair Elefante and Members of the Senate Committee on Public Safety and Intergovernmental and Military 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, I respectfully submit testimony in **strong support of SB1230.** This measure would have a profound impact on public safety, survivors of domestic violence, their children and the nonprofit organizations that serve them.

Perpetrators of domestic violence with access to guns use the threat of gun violence 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.<sup>1</sup>

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.<sup>2</sup> Adults are not the only victims.

<sup>&</sup>lt;sup>1</sup> 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: 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 <sup>2</sup> 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.



On March 4, 2022 a father under a restraining order killed his three daughters during a court-ordered family visitation at a church.<sup>3</sup>

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 threat of harm, revictimization, or re-traumatization.

Thank you for the opportunity to testify on this important matter.

Sincerely, Angelina Mercado, Executive Director

<sup>&</sup>lt;sup>3</sup> https://www.nytimes.com/2022/03/02/us/sacramento-church-shooting.html

#### <u>SB-1230</u> Submitted on: 2/4/2023 1:53:00 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Sue Hornik	Testifying for Hawaii Coalition to Prevent Gun Violence	Support	Written Testimony Only

Comments:

Hawaii Coalition to Prevent Gun Violence strongly supports SB1230. The proposed bill will help protect our community from the uncontrolled gun violence plaguing other states, while adhering to the Supreme Court's mandate that more concealed carry permits be allowed. While we regret the Supreme Court's poorly argued opinion that took control of who may carry concealed weapons away from our local police, this bill will go a long way toward ensuring the safety of our families in public spaces.

#### <u>SB-1230</u> Submitted on: 2/4/2023 1:50:51 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jay Henderson	Testifying for Indivisibles of Hawaii	Support	Written Testimony Only

Comments:

Please respect the Hawaiian way of life. Vote for SB1230.

Queen Lili'uokalani was a devout Christian whose faith was opposed to violence. She was also the symbol of the heart and soul of Hawai'i. The Aloha Spirit infused her and the culture of the people of Hawai'i. It was for these precise reasons that the Queen herself went to meet the first armed American soldiers who arrived to overthrow the monarchy in 1898. Above all else she wanted to tell them to leave their guns on the ship because guns were not needed in Hawai'i. That was when the Queen along with all Hawaiians believed it is their basic right to live here without being surrounded by guns. Hawaiians who owned guns kept them inside the house and only took them out for hunting or other socially benign and unintimidating reasons.

Now, over a century later, the US Supreme Court is telling us just the opposite: Ignore our traditions and turn our backs on the peaceful culture of our island paradise. Instead, we are ordered to allow people who are afraid to go outside without a gun on hand in case something comes up to shatter the public's peace by carrying guns openly, where their mere presence fouls the air as much as rotten eggs. A gun carried openly is an obscene sign to all who see it that they had better act right ... or else! Nothing could be more destructive to the peace and calm we've always felt in our society. Open Carry is Satan's dream come true.

If we absolutely, positively, inevitably and without further delay no matter how much it disrespects our culture must allow our neighbors to carry guns in public, it is essential to pass SB1230. This bill will establish a strong regulatory framework to set clear requirements on who can openly carry a gun, how police can use background checks and mental health review to verify an applicant's eligibility, and where guns are allowed to be openly carried.

If Queen Lili'uokalani's example is insufficient to persuade you to support this very important bill to help keep Hawai'i safe, I urge you to recall what Marshall Wyatt Earp did when he moved to Tombstone after it had been overrun by open carry gun lovers. He banned all guns from town. Period. It is no coincidence that the Queen asked the soldiers to leave their guns on the ship and Earp told cowboys to leave them at city limits. Both of them knew how guns poison society and ruin a people's way of life. Before too long, gunslingers from out of town decided to ignore the warning and openly carry their guns wherever they wanted. The result was a shootout with Earp and his deputies near the OK Corral. Earp won and the town went back to being its normal, peaceful self in the absence of guns. This can happen here, too, hopefully without need for a showdown on Kalakaua Avenue. A return to sanity starts with the passage of SB1230. Thank you for supporting it.



Aloha, Chair Wakai, Vice Chair Elefante, and Committee Members:

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 SB 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 a lot of guns in public places – which means we've had fewer risks 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.

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 yamanchi

Erica Yamauchi State Co-Lead, Hawai'i Chapter Moms Demand Action for Gun Sense in America

Sunday February 5, 2023

#### **IN SUPPORT OF SB 1230**

I believe in the 2<sup>nd</sup> Amendment right to bear arms, but I do not believe that guns are appropriate everywhere in our modern society. I do not wish to take someone's guns away – I support common sense gun laws. Without this bill, we are expected to trust total strangers to be armed "silent protectors" throughout our community – that is a **very** big ask. Guns do not make everyone feel safe. The thought of being in close proximity with these firearms makes me feel anxious and scared, not safe. Hawaii has been one of the safest states for gun violence for decades and we need to preserve that. This is not the mainland. 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 and the nation's highest-ranking military officer has said he doesn't think soldiers should carry concealed weapons on base. This gives me pause and I think it should for you as well. 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.

If we must have concealed weapons in our community, there should be some limits, but not just federal buildings. Guns don't belong in schools and parks and other places that children play. Guns should not be allowed where alcohol is sold and consumed. When I am taking my young children to the grocery store, the playground, or the beach, I do not want to have to worry about the presence of guns. It is complicated when it comes to protecting your family and we all have the right to do so, but 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 SB1230 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



### Testimony to the Senate Committee on Public Safety and Intergovernmental and Military Affairs Monday, February 6, 2023; 3:00 p.m. State Capitol, Conference Room 225

#### RE: SENATE BILL NO. 1230, RELATING TO FIREARMS.

Chair Wakai, Vice Chair Elefante, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA respectfully offers these <u>COMMENTS</u> on Senate Bill No. 1230, RELATING TO FIREARMS.

By way of background, the HPCA represents Hawaii's FQHCs. FQHCs provide desperately needed medical services at the frontlines in rural and underserved communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of healthcare.

The bill, as received by your Committee, seeks to address the United States Supreme Court's ruling in *New York State Rifle & Pistol Association, Inc. v. Bruen,* No. 20-843 (S. Ct. 2022), which overturned New York's gun safety law requiring a license to carry concealed weapons in public places. The New York statute that was stricken provided authorities with the discretion to deny concealed-carry licenses even when the applicant satisfies the statutory criteria because the applicant has not demonstrated cause or suitability for the relevant license. (See, New York State Rifle & Pistol Association, Inc. v Bruen, supra, at 5.) Aside from New York, only California, the District of Columbia, Hawaii, Maryland, Massachusetts, and New Jersey have analogues to the "proper clause" standard. (See, Bruen, ibid., at 5 and 6.)

Because the Court determined that the "proper-clause" requirement violated the Fourteenth Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms in public for self defense, it would appear that this bill would clarify the circumstances under which a concealed-carry license may be issued. Testimony on Senate Bill No. 1230 Monday, February 6, 2023; 3:00 p.m. Page 2

Without discussing the merits or faults of the larger issue of gun control, the HPCA brings to your attention what we believe are serious concerns on how this bill will set forth the process and criteria (including testing, training, and background check requirements) for applicants to obtain licenses to carry firearms outside the home, whether concealed or unconcealed.

Among other things, SECTION 2 of the bill would require the Chief of Police of each county to adopt procedures to determine whether an applicant has "been adjudged insane or not appear to be mentally deranged". To determine this, SECTION 2 further clarifies that 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 suitable, responsible, and law-abiding user of firearms. Such specific and articulable indicia may include suicidal ideations, homicidal ideations, or potentially dangerousness, including a violent animus toward one or more groups based on race, color, national origin, ancestry, sex, gender, 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 others rather than for self-defense.

This standard would then be used by the Chief of Police in the Chief's review of the application and all other documentation that would be required pursuant to rules adopted by the Police Departments and the Department of the Attorney General concerning background checks and mental health screening. If all conditions are satisfied, the license would be issued.

We question how the Chief of Police would come to this determination -- whether the Chief would utilize a medical professional employed by the Police Department or by private health care providers via an application process.

If it is the Legislature's intention that private health care providers be utilized, the HPCA is concerned that the expertise needed by a health care professional to determine whether a person does not "appear to be mentally deranged" is quite specialized. Mental health has become so prevalent and nuanced that a primary care physician, registered nurse, or other frontline professional may not have the expertise nor a sufficient amount of time with a patient to correctly identify the severity of a patient's mental health to the degree necessary for a sound determination of a patient's fitness to receive a firearm license. For FQHCs and all health care facilities throughout the State, there is a severe shortage of mental health professionals -- the kind of personnel with the expertise needed for this very important responsibility.

Testimony on Senate Bill No. 1230 Monday, February 6, 2023; 3:00 p.m. Page 3

FQHCs are able to provide primary care services in rural and underserved areas in large part because the liability incurred by our staff is covered under the Federal Tort Claims Act (FTCA). It is unclear at this time whether the FTCA would cover any liability that might be attributed to an incorrect assessment made by the health care professional for the purpose of facilitating a firearms license application and how that liability would extend to an FQHC.

Also, the statute does not state whether a health care professional may decline a patent's request for the mental health assessment. Arguably, if an FQHC as an organizational policy, or if staff on their own accord, refuses to conduct the requested mental health assessment, arguably, the FQHC or staff might be subject to a Section 1983 claim for violating the civil rights of the patient. As such, without further clarification on the expectations placed on health care providers, this bill might create a "loselose" situation regardless of the action or inaction taken by the health care professional.

# In light of the foregoing, the HPCA and its member FQHCs assert that more work is needed legislatively to determine how a firearm license law would be administered.

Lastly, we note that on September 30, 2022, Mayor Rick Blangiardi submitted to the Honolulu City Council a bill substantively similar to Senate Bill No. 1230, that would address the *Bruen* Decision by protecting "sensitive areas" that have been traditionally subject to firearm restrictions. This approach is also similar to a recently enacted law in New York that sought to greatly restrict the areas that licensed firearms may be carried. However, it should also be noted that the New York State Rifle & Pistol Association, Inc., filed suit to invalidate the new law citing *Bruen*, supra, at 22:

"... But 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... [This argument] ... would in effect exempt cities from the Second Amendment and would eviscerate the general right to publicly carry arms for self-defense..."

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or eabe@hawaiipca.net.



Senator Glenn Wakai and committee members, I write today on behalf of myself, Hawaii Firearms Coalition, and all law-abiding gun owners in the state of Hawaii, We are in **opposition** to SB1230.

With the recent Supreme Court decision in New York State Rifle and Pistol Association v. Bruen, the State of Hawaii has begun to see law-abiding citizens applying for and being issued concealed carry licenses. In reaction to this, we are seeing a number of laws being proposed in a knee-jerk reaction.

A vast majority of these laws are clearly unconstitutional and stand in direct contradiction to the Supreme Court's ruling. The Supreme Court in *NYSRPA V Bruen* laid out a framework for gauging the constitutionality of any law that impacts the cour right of the second amendment (for law-abiding persons to keep and bear arms).

"when the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct, and to justify a firearm regulation the government must demonstrate that the regulation is consistent with the Nation's historical tradition of firearm regulation."

Across the country, we are seeing a number of states propose similar (if not identical) laws to SB1230, and in nearly every case, we are seeing them ruled against. For SB1230 or any other firearms-related law to be considered valid, a historical analysis must be conducted, showing that the law has not only a historical analogy but was widespread at the time of this nation's founding.

No action should be taken on any law that impacts the right to keep and bear arms before a historical analysis has been conducted to make sure said law is in line with the text, history, and traditions of the Second Amendment.

## Sensitive places.

The Supreme Court has provided limited guidance as to what sensitive places may be and has left some room for interpretation. That being said, they have provided some framework that must be considered. "*The historical record yields relatively few 18th- and 19th-century "sensitive places"* where weapons were altogether prohibited—e.g., legislative assemblies, polling places, and courthouses—"..."*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."

Based on this guidance, many of the places listed as sensitive in SB1230 clearly should not be included, such as: Public parks or recreational grounds, Zoos, playgrounds, museums, libraries, recreation centers, bars, restaurants, public gatherings, events, public transportation, and public transportation facilities.

Other places in the list may be included in some manner but should be limited in scope to those areas that are truly sensitive and where the government can, with 100% certainty, provide safety for those under its care. These places would include schools and government buildings.

A method for people to visit these places without being disarmed for the remainder of their day should be available. The prohibition in these areas should only apply to buildings, not include grounds and areas used for parking structures. Amendments would need to be made to HRS134-25 and HRS134-27 to allow for this.

## Private property.

Private property rights are just as important as the right to bear arms, and as such, private individuals should be able to restrict the carrying of arms on property under their exclusive control. That being said, it should be down to the individual as to how and when this occurs.

Instead of a positive affirmation allowing a person to carry a firearm for self-defense, the opposite should be required. A clear and uniform sign requirement that reduces the chance of accidental violation should instead be implemented.

A change to SB1230 should be made to include the following (once formatted to uniformity with state laws)

HRS 708-X Firearms on private property

(a) A person may carry a concealed handgun unless the property owner posts a sign that clearly prohibits the possession of weapons on the premises. The sign shall conform to the following requirements:

1. Be posted in a conspicuous location on all building entrances.

2. Contain a pictogram that shows a firearm within a red circle and a diagonal red line across the firearm.

3. Contain the words "no firearms allowed pursuant to HRS 708-X"

- 4. Be at least 8.5"x11" in size.
- 5. Include the date the sign was posted.

6. The signs required by this section shall be composed of block, capital letters printed in black on white or yellow laminated paper.

7. The letters constituting the words "no firearms allowed" shall be at least three-fourths of a vertical inch and all other letters shall be at least one-half of a vertical inch.

(b) It is an affirmative defense to a violation if

1. At the time of the violation, the notice prescribed in subsection (a) of this section had fallen down.

2. The notice prescribed in subsection (a) of this section had not been

posted for at least thirty days before the violation.

(c) This section does not prohibit a person who possesses a handgun from entering the premises for a limited time for the specific purpose of either:

1. Seeking emergency aid.

2. Determining whether a sign has been posted pursuant to subsection (a) of this section.

Punishment for violating these signs should be a simple trespass per HRS 708-815 except if the premises is a hotel or dwelling, in which case it should fall under HRS 708-813 criminal trespass in the first degree.

## County input

The various counties of Hawaii are ill-equipped to deal with the issuing of firearms permits, registrations, and licenses to carry firearms. SB1230 pushed even more burden on these county police departments. These processes would be better handled at the state level, where they can be uniform throughout the state. The Department of Public Safety would be better suited to this via the sheriff's department.

In addition to changing who handles the operations outlined in HRS 134, this bill should include a clear preemption on county laws, rules, and ordinances related to the issuance of licenses to carry firearms, as well as where and how they can be carried. It's extremely important that we have a uniform standard.

## Suitable persons.

Any requirement that a person must demonstrate that they are a suitable person via some method of litmus test, references, or opinion-based system must plainly on its face be recognized as unconstitutional. Simply put, any person who can legally own a firearm has the right to carry one. The right to keep arms and the right to bear arms are equal in regard to their application. The requirement that a person provides proof of their suitability to exercise a constitutional right via providing multiple references or getting a medical exam would not only be a violation of their second amendment rights but would be a violation of the fourth, fifth, and 14th Amendments as well. While the courts are still determining how to correctly apply the second amendment, the right to privacy is clearly established.

## Residence requirement

A requirement that a person is a resident of the state is, on its face, a clear violation of that person's 14th amendment rights. Not only would this deny visitors to our state their right to bear arms, but it would also affect thousands of people that are stationed here for military service. These people are nonresidents but live full-time in the state. Furthermore, the citizenship requirements that are in the law are also plainly unconstitutional. The rights of lawful permanent residents and US nationals to keep and bear arms are established already, and amendments to the bill to include these should also be made.

The SB1230 also fails to establish reciprocation with other states. This means that a person who has a license issued in another state can not fly to Hawaii and carry their firearm for self-defense. Their constitutional right is literally voided upon entering the state. SB1230 must include an amendment with a provision to allow persons who have a concealed carry license issued in their state of residence to carry a firearm while visiting.

## Training requirements

Should training be something that all gun owners seek out? Yes. Should training requirements be set by the government? No.

The training requirements, as outlined in SB1230, are very broad and serve no purpose other than to create a financial and time barrier to exercising a right. Further, the requirement that the training is done on a strict schedule inhibits the ability of a person to exercise their right.
With all government-mandated programs, the level of education is often lower than what would otherwise be offered. Instead of offering a quality product that would enhance safety and knowledge, the bare minimum levels are attained. Instead of creating barriers for those that wish to carry firearms, more time and funds should be put towards educating Hawaii's youth about gun safety. Such action would substantially enhance public safety since gun education, like driver's education, would instill core safety values into Hawaii's youth.

Accordingly, any additional training requirements in the bill should be removed. The training required for HRS134-2g that people have already completed to acquire current firearms should be enough. The requirement that a person seeks annual training and/or training on multiple firearms they wish to carry should also be eliminated since there is no articulable or otherwise justifiable reason for repetitive training. Legislators should be aware that due to the lack of any historical analogy to require training to own or carry a firearm during the nation's founding, it's likely that any challenge to this requirement as written would lead to all training requirements being removed.

## Certified mail.

A requirement that notification is sent by certified mail is absolutely ludicrous. The cost of doing so is 25 times greater than the cost of a regular stamp. It adds additional delay in notifying persons about the status of their application. We are living in the year 2023, we have the internet. A better option would be e-mail or a website where people can check the status. Such electronic notification is already established for firearm permit issuance (in Honolulu); there is no rational defense against the use of such electronic notification means in today's technologically driven society.

## Revocation.

Revocation of a license for any other reason than the person is prohibited from possessing firearms is a clear violation of a person's constitutional rights.

## In Closing,

We would once again like to affirm our opposition to this bill. It's overly burdensome and contains many unconstitutional provisions. This bill and others like it should not and can not move forward before a full historical analysis is made to ascertain their constitutionality using the text history and traditions guidelines provided by the supreme court

Andrew Namiki Roberts Director Hawaii Firearms Coalition

## Post Bruen Second Amendment lawsuits.

## New York

**Antonyuk et al. v. Bruen** - Lawsuit against the NYCCIA Sensitive places law.

**Paladino v. New York State Police Superintendent Et al** - Lawsuit against the NYCCIA sensitive places law requires that private business post signs allowing firearms.

**Jonathan Corbett v. Kathleen Hochul** - Lawsuit against the NYCCIA Good moral character and the requirement that a person reveals private information (including social media accounts).

**GOLDSTEIN v. HOCHUL** - New York State Jewish Gun Club Lawsuit against the NYCCIA sensitive places law banning firearms in religious buildings.

## New Jersey

**BENNETT v. DAVIS** - Lawsuit against New Jersey's sensitive palace law.

SIEGEL v. PLATKIN - Lawsuit against New Jerseys Sensitive places law.

Koons v. Reynolds - Lawsuit against New Jerseys Sensitive places law.

## **California**

# **CALIFORNIA RIFLE & PISTOL ASSOCIATION VS GLENDALE -** Lawsuit against Glendale's sensitive places law.

# Testimony of Deb Nehmad, President, Brady Hawaii . for SB 1230 Before the Senate Committee on Public Safety and Intergovernmental and Military Affairs

February 45th, 2023

Dear Chair Wakai, Vice Chair Elefante, and Members of the Committee on Public Safety and Intergovernmental and Military Affairs

# 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.

For decades, Hawaii leaders have prioritized the safety and wellbeing 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 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 people in Honolulu reportedly applied for concealed carry permits following the release of the *Bruen* decision in June. 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 SB 1230) saw a 9.5% increase in firearm related assaults over a decade. In the interest of protecting its citizens, passage of SB1230 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. SB 1230 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

SB 1230 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.

SB 1230 further outlines "sensitive places" where firearms cannot be carried, including child care 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 straightjacket nor a regulatory blank check," and that restrictions on guns in sensitive places are still permissible, so long as they are objective.

## Conclusion

The provisions of SB 1230 are consistent with *Bruen* and pass constitutional muster. Considering the SCOTUS decision, immediate action must be taken in Hawaii to enhance the licensing system. concealed carry 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 Public Safety and Intergovernmental and Military Affairs to vote YES on SB 1230.

Sincerely,

Deb Nehmad President, Brady Hawaii The Brady Campaign to Prevent Gun Violence







### Submitted via web portal RE: SB 1230 (Wakai): Relating to Firearms - SUPPORT

Dear Chair Wakai, Vice Chair Elefante and Members of the Committee:

# Everytown for Gun Safety, Moms Demand Action for Gun Sense in America, and Students Demand Action for Gun Sense in America are writing in strong support of SB 1230.

Everytown is the largest gun violence prevention organization in the country with nearly 10 million supporters including moms, mayors, survivors and everyday Americans who are fighting for public safety measures that respect the Second Amendment and help save lives. At the core of Everytown are Mayors Against Illegal Guns, Moms Demand Action for Gun Sense in America and the Everytown Survivor Network.

Moms Demand Action for Gun Sense in America is a grassroots movement of Americans fighting for public safety measures that respect the Second Amendment and protect people from gun violence. Moms Demand Action campaigns for new and stronger solutions to lax gun laws and loopholes that jeopardize the safety of our children and families. Since its inception after the tragedy at Sandy Hook School, Moms Demand Action has established a chapter in every state of the country, including Hawai'i.

The Supreme Court's June 2022 decision in <u>New York State Rifle and Pistol Association v. Bruen</u> invalidated New York's requirement that applicants seeking a license to carry a concealed handgun in public show "proper cause"—jeopardizing public safety in Hawai'i and other states with similar laws. The Court's decision is wrong, dangerous, and completely out of step with centuries of history and fundamental constitutional principles.

With a rate of 3.8 deaths per 100,000 people, Hawai'i has <u>one of the lowest rates of gun deaths</u> in the U.S. This is no accident—Hawai'i has the <u>third strongest set of gun safety laws in the country</u>. Hawai'i is a national leader in gun violence prevention policy and has a long history of passing common-sense gun laws.

However, the Court's decision risks compromising those hard-won gains by making it easier for more people to carry concealed guns in Hawai'i communities and likely leading to significantly more guns in public places. In the first three months after the Court's decision, more than 500 people across the state had applied for permits. Data out of Maryland, which is similarly affected by the *Bruen* decision, shows that from June 23-July 11, people submitted 5,314 new applications for wear and carry permits—a 772.6% increase from the same time the prior year. As our nation continues to experience horrific mass shootings, an onslaught of daily gun violence, and a spike in hateful armed extremism, more people carrying guns in public is the absolute last thing we need.

Let's be clear—strong concealed carry permit systems save lives. A growing body of research shows that when states weaken law enforcement's authority to deny permits to people who pose a danger, violent crime rates rise by 13 to 15 percent over what would have been expected without the change<sup>1</sup> and firearm homicides increase by 7 percent in urban counties.<sup>2</sup> Adopting a shall-issue law in general is associated with a 9.5% increase in the rate of firearm assaults. States that have shall-issue laws without any provisions such as violent misdemeanor prohibitions, live fire requirements, suitability requirements, or dangerousness prohibitions in their shall-issue concealed carry permitting laws see rates of firearm assault and firearm homicide that are 22% and 30% higher than would be expected with these provisions.<sup>3</sup>

By requiring Hawai'i to eliminate its "exceptional case" standard for concealed carry permitting, *Bruen* completely upended centuries of precedent and made all Hawai'i residents less safe in the process. Thankfully, the Court made clear that states are still allowed to require a license to carry a firearm in public, and expressly declined to interfere with the public carry regimes of the overwhelming majority of states—including those that require firearm training and deny permits to applicants who officials find pose a danger to public safety. The Court also reaffirmed that the exercise of discretion by licensing authorities in order to deny licenses to those who might pose a risk to public safety is permissible, so long as the law provides narrow, objective, and definite standards to guide licensing officials in determining whether an applicant is responsible and not dangerous.

SB 1230 will strengthen Hawai'i's concealed carry license system in a number of key ways in response to the Court's 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.

For these reasons listed above, Everytown for Gun Safety, Moms Demand Action for Gun Sense in America, and Students Demand Action for Gun Sense in America strongly support SB 1230.

Sincerely,

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

<sup>&</sup>lt;sup>1</sup> John J. Donohue, Abhay Aneja, and Kyle D. Weber, "Right-to-carry Laws and Violent Crime: A Comprehensive Assessment Using Panel Data and a State-Level Synthetic Control Analysis," *Journal of Empirical Legal Studies* 16, no. 2 (2019): 198-247.

<sup>&</sup>lt;sup>2</sup> Cassandra K. Crifasi, et al, "Correction to: Association Between Firearm Laws and Homicide in Urban Counties," *Journal of* 

*Urban Health* 95, no. 5 (2018): 773-76.

<sup>&</sup>lt;sup>3</sup> Mitchell L Doucette, Alexander D McCourt, Cassandra K Crifasi, and Daniel W Webster, "Impact of Changes to Concealed Carry Weapons Laws on Fatal and Nonfatal Violent Crime, 1980–2019", *American Journal of Epidemiology*, 2022;, kwac160, https://doi.org/10.1093/aje/kwac16



### **TESTIMONY IN SUPPORT OF SENATE BILL 1230**

 TO: THE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNNMENTAL AND MILITARY AFFAIRS
SUBMITTED BY: DAVID PUCINO DEPUTY CHIEF COUNSEL GIFFORDS LAW CENTER TO PREVENT GUN VIOLENCE
DATE: FEBRUARY 5, 2023

Chair Wakai, Vice Chair Elefante, and Members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs: thank you for the opportunity to provide this testimony on behalf of Giffords, the gun violence prevention organization led by former Congresswoman Gabby Giffords. I am writing in support of Senate Bill 1230, which will provide critical updates to state law on the carrying of concealed firearms following the U.S. Supreme Court's decision in *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022). SB 1230 will update the law on licensing firearms and set new and critically important parameters on where concealed firearms can be carried, within the Constitutionally permissible boundaries articulated by the Supreme Court.

### SB 1230 IS A NECESSARY RESPONSE TO THE SUPREME COURT DECISION ON CONCEALED CARRY

In *Bruen*, the Supreme Court identified Hawai'i as one of six states with a law "under which authorities have discretion to deny concealed-carry licenses even when the applicant satisfies the statutory criteria, usually because the applicant has not demonstrated cause or suitability for the relevant license." *Id.* at 2124. It went on to hold such discretion unconstitutional under the Second Amendment.

However, *Bruen* also made it clear that many regulations implicating Second Amendment rights will survive scrutiny. The majority opinion emphasized that its holding was "neither a regulatory straightjacket nor a regulatory blank check," and that many common regulations, such as restrictions on guns in sensitive places, can continue. *Id.* at 2133–34. Likewise, the concurrences emphasized the Court's narrow focus on the specific provision of law at issue: the "proper cause" standard for issuance of concealed carry licenses. Justice Alito noted that the opinion "decides nothing" about who may purchase a gun, what requirements must be met to purchase a gun, or the kinds of guns that can be available for purchase. *Id.* at 2757 (Alito, J. concurring). And Justice Kavanaugh, joined by Chief Justice Roberts, further clarified that states are still permitted to impose licensing requirements so long as they are objective, and that sensitive place restrictions are constitutional. *Id.* at 2162–63 (Kavanaugh, J. concurring). As Justice Kavanaugh summarized, "[p]roperly interpreted, the Second Amendment allows a 'variety' of gun regulations." *Id.* at 2162 (Kavanaugh, J. concurring).



*Bruen* rejected the previous consensus position of the lower courts that heightened scrutiny is appropriate in assessing the constitutionality of firearm laws, declaring instead that courts should use a test focusing on text, history, and tradition. It is worth noting that there were numerous laws that spelled out licensing schemes and restricted public carry throughout the states during Reconstruction, a timeframe the *Bruen* court noted was relevant for its historical analysis, particularly with respect to state laws. *Bruen*, 142 S. Ct. 2111 at 2138. Dozens of these types of laws were enacted during this time, affecting millions of Americans. *See* Saul Cornell, *History and Tradition or Fantasy and Fiction: Which Version of the Past Will the Supreme Court Choose in NYSRPA v. Bruen*?, 49 Hastings Const. L.Q. 145, 169 (2022). Consistent with Hawai'i's interests in passing SB 1230, these laws were enacted with a goal of protecting public safety and were a direct response to "newly-rising levels of gun violence." *Id.* at 168.

### SOCIAL SCIENCE SUPPORTS SB 1230 AS A PUBLIC SAFETY INTERVENTION

On the question of guns in public, the social science is clear: more permissive public carry laws and more guns in public places make us less safe, not more safe.

Studies consistently demonstrate that lenient right-to-carry (RTC) laws are associated with increased violent crime and homicide rates. Indeed, "the predominant conclusion from studies in the last five years has been that RTC laws increase violent crime."<sup>1</sup> Stanford professor John Donohue's work in this area shows persistent increases in violent crime rates in states with more permissive licensing regimes. In a June 2022 study analyzing a sample drawn from 47 major U.S. cities, Donohue and his colleagues concluded that right-to-carry gun laws "increase overall firearm violent crime as well as the component crimes of firearm robbery and firearm aggravated assault by remarkably large amounts with an attendant finding of no sign of any benefit from RTC laws."<sup>2</sup>

In particular, Donohue's study finds that these lenient RTC laws lead to 29 and 32 percent increases in firearm violent crime and firearm robbery respectively.<sup>3</sup> Moreover, the study found a "massive 35 percent increase in gun theft, with further crime stimulus flowing from diminished police effectiveness."<sup>4</sup> Indeed, the study observes that right-to-carry laws "cause a roughly 13 percent decline in the rates that police clear violent crime, suggesting that [right-to-carry] laws strike at the very heart of law enforcement's abilities to address criminal conduct."<sup>5</sup> Further compounding the danger posed by more guns in public, and as discussed in more detail below, social science research confirms that guns are rarely used in self-defense, and are likely to cause harm on innocent bystanders when they are. Indeed, Donohue and his colleagues conclude that

<sup>&</sup>lt;sup>1</sup> See John Donohue et al., More Guns, More Unintended Consequences: The Effects of Right-to-Carry on Criminal Behavior and Policing in U.S. Cities, at 1 (Nat'l Bureau of Econ. Res. Working Paper No. 30190, June 2022). <sup>2</sup> Id. at 25.

<sup>&</sup>lt;sup>3</sup> See *id.*, at 3, 25.

<sup>&</sup>lt;sup>4</sup> *Id.* at 27.

<sup>&</sup>lt;sup>5</sup> *Id*. at 3.



"any such [deterrent] benefits are substantially offset by the crime-enhancing impacts of increased gun carrying."<sup>6</sup>

Another recent study of states that moved from a may-issue to a RTC regime from 1980 to 2019 found that found that this move to weaker laws "was associated with a 9.5% increase in rates of assaults with firearms during the first 10-years post-law adoption and associated with an 8.8% increase in rates of homicides by other means."<sup>7</sup> What's more, the study found that states that removed training, discretion, and violent misdemeanor prohibitions as part of this move saw increases in violence. States that retained some of these features when moving to shall issue did not see such big increases in violence.

This recent research is supported by a long line of social science research that confirms lenient gun laws increase violent crime.<sup>8</sup> For example, in December 2017, researchers at Boston University and Duke University released the first-ever analysis of the impact of concealed carry laws on handgun and long-gun homicide rates.<sup>9</sup> Their study concluded that permissive right-to-carry concealed carry laws were significantly associated with higher crime rates—in particular, 6.5 percent higher total homicide rates, 8.6 percent higher firearm-related homicide rates, and 10.6 percent higher handgun-specific homicide rates, compared to states with stronger regulations.<sup>10</sup> This robust body of evidence confirms that, just as American governments have traditionally sought to protect their citizens by restricting the public use of guns, the new licensing standards in SB 1230 will promote public safety by protecting the public from statistically-proven increases in violent crime and firearm homicide.

### CONCLUSION

Social science demonstrates that more guns do not make the public safer—in fact, it tends to have the opposite effect. While the Supreme Court has limited the ability of law enforcement officers in Hawai'i to exercise discretion when determining who can carry a gun in public, there remain many important avenues available to make sure that those who are carrying are doing so safety, and are not taking guns into especially sensitive places.

SB 1230 will accomplish both of these goals, in line with the social science data that shows guns in public pose dangers, and ensure that those who do carry guns in public are doing so safely. I

<sup>&</sup>lt;sup>6</sup> Donohue et al., *supra* note 2 at 2.

<sup>&</sup>lt;sup>7</sup> Mitchell L. Doucette et al., *Impact of Changes to Concealed Carry Weapons Laws on Fatal and Nonfatal Violent Crime, 1980-2019*, AM J EPIDEMIOLOGY. (2022), https://pubmed.ncbi.nlm.nih.gov/36104849/.

<sup>&</sup>lt;sup>8</sup> See, e.g., Rashna Ginwalla et al., *Repeal of the Concealed Weapons Law and Its Impact on Gun-Related Injuries and Deaths*, 76 J. TRAUMA ACUTE CARE SURG. 569, 569, 573 (2014), http://www.academia.edu/10480999 (lax concealed carry permitting laws are associated with increased gun fatalities); Daniel W. Webster et al., *Firearms on College Campuses: Research Evidence and Policy Implications* 8 (Oct. 15, 2016) (discussing data on 111 high-fatality mass shootings from 1966–2015, finding that in the 41 states with RTC laws or no concealed carry regulations, the average death toll in high-fatality mass shootings increased following the implementation of an RTC law).

<sup>&</sup>lt;sup>9</sup> Siegel et al., *Easiness of Legal Access to Concealed Firearm Permits and Homicide Rates in the United States*, AM. J. PUB. HEALTH, Dec. 2017, at 1.



urge you to advance this bill in the interest of public safety, just as governments have done since the founding.

Respectfully Submitted,

David Pucino Deputy Chief Counsel Giffords Law Center to Prevent Gun Violence

### **ABOUT GIFFORDS**

Giffords is a nonprofit organization dedicated to saving lives from gun violence. Led by former Congresswoman Gabrielle Giffords, Giffords shifts culture, changes policies, and challenges injustice, inspiring Americans across the country to fight gun violence.



### TESTIMONY OF TINA YAMAKI, PRESIDENT RETAIL MERCHANTS OF HAWAII February 6, 2023 Re: SB 1230 Relating to Firearms

Good afternoon, Chair Wakai and members of the Senate Committee on Public Safety & Intergovernmental and Military Affairs. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

We are in support of SB 1230 Relating to Firearms. This measure 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 a sensitive location. 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. Establishes penalties for violations.

We would like to request that Retailers also be included as a sensitive place. We understand that Retail would be included as a commercial business. However, we would like to make it clear that the public carrying concealed firearms is not allowed at retail locations. We would like to point out that on any given day there are large public gathering of shoppers at retail stores and shopping malls. On a daily basis, retailers continue to be hard hit by thieves who shoplift and try to fight back with employees or good Samaritans when confronted. Shoplifters are becoming more aggressive when fighting back. Our major concern it that there is some one who wants to be "the hero" and tries to shoot the shoplifter, misses and a customer or employee is injured, or the shoplifter tries to shoot his way out of being caught. We want our customers and employees to feel safe to come to work and shop in our stores. Without shoppers there would be no retail brick and mortar stores and if retail stores close due to lack of customers, there will be less people working.

Mahalo again for this opportunity to testify.

Comments on SB 1230

**IN SUPPORT** 

### Indivisible Hawaii supports SB 1230, and makes the following suggestions for consideration:

Red = suggestion for correction

Blue = comment

### Section 1, Section 134-A(a) Prohibition against carrying a firearm in a sensitive location; penalty.

(a) subject to the exceptions stated in subsections (b) through (e), a person granted a license to carry a concealed or unconcealed firearm under section 134-9 shall not knowingly carry a firearm on or into a sensitive location.

This should also apply to licenses for unconcealed firearms.

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

This should also apply to licenses to carry unconcealed firearms.

(h)(12) a public gathering or special event conducted on property open to the public 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;

#### Typo, should be "event"

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

Signs should be required instead of optional. They give people unambiguous proof of permission to enter, and provide information both to those who wish to carry weapons onto the property and those who wish to avoid properties where weapons are allowed to be carried.

New (h) (19) Shelters, residential facilities, and treatment facilities licensed, regulated, or approved by a government entity to provide services to adults or families.

In addition to children protected in (h)(6), at-risk adults also need protection.

#### Section 2. Section 134-2

(e) ... 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; and shall make inquiries to the State of Hawaii Department of Health Adult Mental Health Division, Honolulu Public Safety Department and Hawaii Family Court, the State of Hawaii Adult Mental Health Division, Honolulu Public Safety Department, and Hawaii Family Court, 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 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 licensing 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 for disqualifying crimes 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. Each applicant shall be required to disclose mental health and substance abuse history from the past 10 years, including disclosure of health care providers and submission of a HIPAA-compliant authorization for release of mental health information and substance abuse information from all medical sources for the past 10 years, including health care providers, health care plans and government entities. ...

It is important to include state and local databases in the background check, to require applicant's disclosure of relevant history, and to require authorization for release of medical and psychiatric records.

### Section 4 134-9 Licenses to carry

(b)(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 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. 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 others rather than for self-defense.

"Not have been adjudged insane" applies to current and past history. "Not appear to be mentally deranged" should similarly consider current and past behavior.

(d)(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 handgun in public, as set forth in subsection (b)(2). The

applicant shall also provide names and contact information for the applicant's current or ex- spouse, domestic partner, or significant other, if any, and any other adults residing in the applicant's home, including adult children.

Should be "current or ex-" spouse, domestic partner, or significant other. "Ex"s are also frequently at risk.

I'm writing in support of SB 1230

I'm proud that here in Hawaii, our strong state gun laws have kept gun violence low. Now that the Supreme Court has forced Hawaii to grant more concealed carry permits, we need you to act to limit the impact and keep us safe.

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 use their gun safely.

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 a 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.

I urge you to support this legislation.

Thank you, ALYSSA LLOYD KANEOHE, HI 96744

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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 a 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.

I urge you to support this legislation.

Thank you, PELE BENNETT HONOLULU, HI 96821

I'm writing in support of SB 1230

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I urge you to support this legislation.

Thank you, EMILY GAMMON HONOLULU, HI 96818

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Thank you, HANA FULGHUM HONOLULU, HI 96822

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Thank you, PUMEHANA PALMER KAPOLEI, HI 96707

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Thank you, LISA KIMURA HONOLULU, HI 96817

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Thank you, ALISON YOKOUCHI HONOLULU, HI 96814

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Thank you, CHRISTOPHER SELLMAN HONOLULU, HI 96816

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I urge you to support this legislation.

Thank you, KAI STEUER KONA, HI 96744

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I urge you to support this legislation.

Thank you, ALJANE BENITO HONOLULU, HI 96815

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I urge you to support this legislation.

Thank you, THOMAS BONAR KEKAHA, HI 96752

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Thank you, DAFNA EPSTEIN-BARUCH HALEIWA, HI 96712

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Thank you, RYAN BERG WAILUKU, HI 96793

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Thank you, MICHAEL DELARA HONOLULU, HI 96815

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Thank you, ANDREA DE LA TORRE KILAUEA, HI 96754

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Thank you, JENNY SILBIGER HONOLULU, HI 96814

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Thank you, BUFFY WHITEMAN MILILANI, HI 96789

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Thank you, RHIANNON TAYLOR HONOLULU, HI 96818
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Thank you, MARTHA DARLEY HONOLULU, HI 96818

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Thank you, PUA AKAKA KAPOLEI, HI 96707

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Thank you, SHAWN RAVAZZANO KIHEI, HI 96753

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Thank you, JANA PURINGTON KAILUA, HI 96734

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Thank you, TRAVIS ARMSTRONG KAPOLEI, HI 96707

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Thank you, ALEXIS REID KAPOLEI, HI 96707

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Thank you, ISABELLA MCRAE HONOLULU, HI 96819

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Thank you, SAM COLIN HONOLULU, HI 96817

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Thank you, LEAH MCRAE HONOLULU, HI 96817

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Thank you, VANESSA BARKER WAILUKU, HI 96793

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Thank you, ROSALIE CHAR KANEOHE, HI 96744

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Thank you, JUANA A TABALI-WEIR HONOLULU, HI 96825

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Thank you, KYLEE JERVIS HONOLULU, HI 96825

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Thank you, CALLEN BRACKEN KOLOA, HI 96756

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I urge you to support this legislation.

Thank you, JOYCE COELHO HONOLULU, HI 96825

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Thank you, ALEXANDRA PALUMBO WAIMANLO, HI 96795

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Thank you, LOUISE THAELL KAILUA-KONA, HI 96740

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Thank you, NICOLE CUMMINGS HONOLULU, HI 96825

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Thank you, DANIELLE DIMARE HONOLULU, HI 96816

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Thank you, KRISTEN LAU-GROVER HONOLULU, HI 96816

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Thank you, KELLIANNE CADAVONA ELEELE, HI 96705

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Thank you, CRYSTAL OKAMOTO KAPAA, HI 96746

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Thank you, KELSEY BAEHRENS KAILUA, HI 96734

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Thank you, PHAEDRA ROBINSON KAILUA, HI 96734

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Thank you, TAYLOR OKATA HONOLULU, HI 96822

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Thank you, AVA ANTONIO HONOLULU, HI 96813

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Thank you, MADISON BYRUM HONOLULU, HI 96818

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Thank you, DELPHINE HOMEROWSKI KAILUA, HI 96734

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Thank you, SEAN NAKATA HONOLULU, HI 96814

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Thank you, LORI GREEN HILO, HI 96720

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Thank you, OLIVER BORDALLO HONOLULU, HI 96822

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Thank you, ASHTIN HART HAWI, HI 96719

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Thank you, MEGAN DEETS KAPAA, HI 96746

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Thank you, KRISTINA STEUER KAILUA KONA, HI 96740

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Thank you, KATHERINE SEILER HONOLULU, HI 96826

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Thank you, CONSTANCE PAPPAS KILAUEA, HI 96754
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Thank you, ADRIANNA PHILLIPS KAILUA, HI 96734

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Thank you, JANE HONG HONOLULU, HI 96814

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Thank you, DAVID SANTORO HONOLULU, HI 96817

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Thank you, JEANNE SCHULTZ AFUVAI KAILUA, HI 96734

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Thank you, JULES L KAILUA, HI 96734

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Thank you, AMI STEPANIAN KAILUA, HI 96734

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Thank you, EMMA STERN KAILUA-KONA, HI 96740

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Thank you, ELIZABETH ARCH KAILUA, HI 96734

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I urge you to support this legislation.

Thank you, GABRIELLE DAVIDSON KAPAA, HI 96746

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Thank you, JANICE LACKS KEAAU, HI 96749

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Thank you, DIANE MENDIOLAGOYA MILILANI, HI 96789

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Thank you, SHANNON PACKER LAIE, HI 96762

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Thank you, STEPHANIE OAKLEY HONOLULU, HI 96821

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Thank you, KRISTEN SNOWDON KAPOLEI, HI 96707

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Thank you, JILL COOMBS KUALAPUU, HI 96757

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Thank you, BAILY MILLER BAILY.M.JONES@GMAIL.COM, HI 96734

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Thank you, JENMERYLL LOBATON AIEA, HI 96701

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Thank you, KAITLYN LAY KAPOLEI, HI 96707

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Thank you, ELLEN MOUNT KAILUA KONA, HI 96740

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Thank you, CAMRYN LEDDY HONOLULU, HI 96826

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Thank you, JILL MCLEAN KANEOHE, HI 96744

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Thank you, DENNIS LOFARO WAILUKU, HI 96793

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Thank you, ASHLEY ESPERANTE KAPOLEI, HI 96707

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Thank you, DANI MCBRIDE KAUAI, HI 96756

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Thank you, SHAYE JACKSON KILAUEA, HI 96754

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Thank you, TIM MOREHOUSE HONOLULU, HI 96815

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Thank you, PETER ANDERSON HONOLULU, HI 96825

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Thank you, SARAH BISSELL KAILUA, HI 96734

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Thank you, ERVIN PIGAO KAHULUI, HI 96732

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Thank you, CORINA SCOGGINS KALAHEO, HI 96741

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Thank you, CHRISTINA LEE HONOLULU, HI 96817

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Thank you, ABBY SANTOS HANAPEPE, HI 96716

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Thank you, ANA HERNANDEZ EWA BEACH, HI 96706
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Thank you, KENNEDY NEUBAUER HONOLULU, HI 96822

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I urge you to support this legislation.

Thank you, SARA WOOD KAILUA, HI 96734

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Thank you, CHEYENNE HARLACHER KOLOA, HI 96756

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Thank you, JEN MAGOON WAIKOLOA, HI 96738

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Thank you, HEATHER CUTTS HONOLULU, HI 96825

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Thank you, IVY CASTELLANOS KANEOHE, HI 96744

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Thank you, LINDA GILL HONOLULU, HI 96825

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Thank you, ALLYSON METZGER KAILUA-KONA, HI 96740

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Thank you, CECILY KIMURA KAMUELA, HI 96743

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Thank you, LAUREN ROLLAND WAIALUA, HI 96791

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Thank you, BRITTNEY DRIGGS HALEIWA, HI 96712

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Thank you, YVONNE EUGENIO MILILANI, HI 96789

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Thank you, JESSICA LYNHAM HONOLULU, HI 96825

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Thank you, LARISA MARINAS HAUULA, HI 96717

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Thank you, PAUL SOLURI HONOLULU, HI 96821

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Thank you, KELSEA ROCK HONOLULU, HI 96816

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Thank you, DEB NEHMAD HONOLULU, HI 96825

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Thank you, KAOPUUOKAHA WEIR HONOLULU, HI 96825

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Thank you, JANE KOCIVAR MD KULA, HI 96790

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Thank you, JESS ELLIS KAMUELA, HI 96743

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Thank you, DAVID LEWIS HONOLULU, HI 96813

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Thank you, MARY BLUMENFELD KAILUA, HI 96734

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Thank you, MARTHA HARKEY KILAUEA, HI 96754

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Thank you, SANDRA LOOMIS HONOLULU, HI 96821

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Thank you, MICHAEL COSTA HILO, HI 96720

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Thank you, KELLEY SUTHERLAND PAHOA, HI 96778

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Thank you, LINDSEY DUGAS HONOLULU, HI 96815

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Thank you, ANAÏS FRY LAIE, HI 96762

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Thank you, KEITH RICHMOND KAILUA, HI 96734

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Thank you, LORA LEE MORIYAMA AIEA, HI 96701

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I urge you to support this legislation.

Thank you, MARILYN LOPES MAKAWAO, HI 96768

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Thank you, NATALIE AURIO MILILANI, HI 96789

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Thank you, ANA BALDINGER KAHUKU, HI 96731

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Thank you, DENIS GUERET KAPAA, HI 96746
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Thank you, SUE HORNIK HONOLULU, HI 96815

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Thank you, MARY ELLEN ELLEN WILLIAMS HONOLULU, HI 96813

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Thank you, MIRIAM KOTUBETEY KANEOHE, HI 96744

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Thank you, MONICA SHOOK KANEOHE, HI 96744

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Thank you, ERICA K YAMAUCHI HONOLULU, HI 96816

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Thank you, PAMELA WELCH MAKAWAO, HI 96768

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Thank you, LISA STEELE EWA BEACH, HI 96706

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Thank you, AMY ODOM HONOLULU, HI 96814

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Thank you, NICOLE BUCKINGHAM KA'A'AWA, HI 96730

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Thank you, JANIE BRYAN HONOLULU, HI 96816

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Thank you, KRISTINE CHUNG HONOLULU, HI 96813

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Thank you, SIERRA JEONG HONOLULU, HI 96814

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Thank you, ANNE MURATA HONOLULU, HI 96825

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Thank you, ANDREA SUZUKI HONOLULU, HI 96813

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Thank you, CYNTHIA MCKEAN CAPTAIN COOK, HI 96704

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Thank you, JESSICA HOGAN MILILANI, HI 96789

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Thank you, APRIL CHING HONOLULU, HI 96822

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Thank you, LARISA MAJORS MILILANI, HI 96789

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Thank you, STACIA SAGE HAUULA, HI 96717

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Thank you, JANIS SMITH KAILUA KONA, HI 96745

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Thank you, KAREN VALASEK HONOLULU, HI 96819

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Thank you, MICHELLE TOMAS KAILUA KONA, HI 96745

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Thank you, RAMSEY WILSON LAIE, HI 96762

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Thank you, CHARLENE FLANTER HONOLULU, HI 96816

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Thank you, SANDRA TADAKI HONOLULU, HI 96818

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I urge you to support this legislation.

Thank you, VERONICA ECHEVERRIA EWA BEACH, HI 96706

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Thank you, EMILY MENG HONOLULU, HI 96822

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Thank you, RUTHANN OLSON-MOORE KEAAU, HI 96749

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Thank you, GAYE CHAN KANEOHE, HI 96744

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Thank you, NATALIE DEBIASI HONOLULU, HI 96814

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Thank you, SERGE MAGLOIRE MILILANI, HI 96789

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Thank you, HELEN FELSING MAKAWAO, HI 96768

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Thank you, SUSAN LORD HONOLULU, HI 96825

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Thank you, JAY FRANZONE KILAUEA, HI 96754

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Thank you, JOY HOHNSTINE VOLCANO, HI 96785
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Thank you, CARMEN JIMENEZ HA'IKU, HI 96708

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Thank you, MEGAN LOOMIS POWERS HAIKU, HI 96708

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Thank you, JENNIFER MCGINNIS HONOLULU, HI 96825

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Thank you, STACEY MORIMOTO HONOLULU, HI 96816

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Thank you, PATRICIA MULLEN CAPTAIN COOK, HI 96704

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Thank you, JENNIFER ARMSTRONG KAPOLEI, HI 96707

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Thank you, JAMIE SILVA HONOLULU, HI 96813

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Thank you, NIKI ROGERSON KANEOHE, HI 96744

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Thank you, SHEILA COLON KAILUA KONA, HI 96740

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Thank you, CATHERINE COOPER PRINCEVILLE, HI 96722

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Thank you, LOUISE THAELL KAILUA-KONA, HI 96740

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Thank you, SCOTT MEEHAN HONOLULU, HI 96815

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Thank you, PATRICIA WALKER WAIKOLOA, HI 96738

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Thank you, WENDY DOENGES MAUNALOA, HI 96770

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Thank you, BARBARA GOMES KAILUA, HI 96734

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Thank you, MAY CAZIMERO HONOLULU, HI 96821

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Thank you, MARGARET SERAIN HILO, HI 96720

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Thank you, NICOLE JORDAN WAIANAE, HI 96792

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Thank you, VIRGINIA BRANCO HILO, HI 96720

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Thank you, VICKY ROBBINS PAHOA, HI 96778

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I urge you to support this legislation.

Thank you, ERIN SMITH HONOLULU, HI 96825

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Thank you, PEGGY REISING EWA BEACH, HI 96706

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Thank you, LARA O'CONNOR HONOLULU, HI 96815

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Thank you, JOY VOGELGESANG KAILUA KONA, HI 96740

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Thank you, FREDRICK SANDS WAILUKU, HI 96793

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Thank you, WILLIAM COTE HAIKU, HI 96708

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Thank you, ANDREW SHEINIS KAMUELA, HI 96743

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Thank you, DIANE WERNET PAHOA, HI 96778

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Thank you, CLARICE SMART HONOLULU, HI 96819

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Thank you, ANGELA YEE KAPAA, HI 96746

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Thank you, DEBORAH BOLTZ KANEOHE, HI 96744

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Thank you, ERIN HENDERSCHEDT HONOLULU, HI 96818

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Thank you, ELIA HERMAN HONOLULU, HI 96821

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Thank you, CAMERON FRITHSEN HONOLULU, HI 96822

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Thank you, KIMMERIE JONES HONOLULU, HI 96821

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Thank you, ANDREA MARIE JANAS KAILUA, HI 96734
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Thank you, KATHARINE CONWAY KOLOA, HI 96756

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Thank you, JACQUELINE ZAMBRANO HAIKU, HI 96708

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Thank you, MAUREEN WHITTEMORE KAUNAKAKAI, HI 96748

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Thank you, KATHLEEN GOLDEN VOLCANO, HI 96785

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Thank you, KERRIE UROSEVICH KANEOHE, HI 96744

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Thank you, JAN LUBIN HONOLULU, HI 96826

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Thank you, TIA PEARSON WAHIAWA, HI 96786

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Thank you, ELIZABETH O'CONNOR HONOLULU, HI 96815

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Thank you, ANNABE MURRAY KAILUA, HI 96734

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Thank you, MELINDA CAROLL KULA, HI 96790

I'm writing in support of SB 1230

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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 use their gun safely.

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 a 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.

I urge you to support this legislation.

Thank you, MARA HANSON KAPOLEI, HI 96707

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I urge you to support this legislation.

Thank you, CATE WAIDYATILLEKA HONOLULU, HI 96821

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I urge you to support this legislation.

Thank you, MARIA PEÑA EWA BEACH, HI 96706

I'm writing in support of SB 1230

I'm proud that here in Hawaii, our strong state gun laws have kept gun violence low. Now that the Supreme Court has forced Hawaii to grant more concealed carry permits, we need you to act to limit the impact and keep us safe.

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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 a 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.

I urge you to support this legislation.

Thank you, DANETTE KONG KULA, HI 96790

I'm writing in support of SB 1230

I'm proud that here in Hawaii, our strong state gun laws have kept gun violence low. Now that the Supreme Court has forced Hawaii to grant more concealed carry permits, we need you to act to limit the impact and keep us safe.

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 use their gun safely.

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 a 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.

I urge you to support this legislation.

Thank you, LAURA MARGULIES HONOLULU, HI 96821



#### Testimony to the Senate Committee on Public Safety, Intergovernmental, & Military Affairs Monday, February 6, 2023, 3:00 PM Conference Room 225

#### In Support of SB 1230, Relating to Firearms

To: The Honorable Glenn Wakai, Chair The Honorable Brandon Elefante, 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, Relating to Firearms. This bill, along 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.

### IN REGARD TO SB1230

Aloha,

My name is Janie Bryan and I have been a resident of Hawaii since 1988 and of Oahu since 2003. As a mother and retired speech-language specialist, I have enjoyed living in a state where concealed carry was not allowed, especially with the amount of gun violence noted in other states and it seems is more on the rise even here in our home state. It is an epidemic actually in our nation.

<u>I am reaching out to you, our legislators, in SUPPORT of SB 1230 relating to the concealed carry permits and "sensitive places" where guns will not be allowed.</u>

This is our first time out the gate so to speak on concealed carry so being a bit strict at this point is a prudent way to go forward.

We need this bill to be sure that those who do receive a permit for concealed carry have been fully and completely vetted and that clear boundaries are set as to where they can and can't bring their fire arm. Anyone with a past or recent incidence of violent or threatening behavior, or anyone who has been recently cited for being reckless with firearms should absolutely be denied a permit.

Strict guidelines regarding storage of the weapon, training on safety measures when handling a firearm anywhere (should be more than how to load, unload a gun safely), and anyone applying for these permits should be carefully evaluated based on objective criteria to ensure public safety and our peace of mind if we have to have this at all.

Of course, in my mind, it goes without saying that alcohol and guns do not mix! This should be clear in ALL establishments where alcohol is sold including concert venues and all theaters, including outdoor venues as well. Do you really want to go to concert and have to worry about someone (like maybe you??) getting shot on purpose or accidentally?

We need specific places designated where we do not have to have this in our thoughts as we go out to drop kids off at school, enjoy a park, attend a music venue or art exhibit. We as a people need this reassurance that if there will be concealed carry, we need places we can be and not have to think about hidden guns in the row behind us for example.

Please vote in support of this bill to give peace of mind to our residents going about their day as more people are permitted to conceal weapons in public, we will at least have set boundaries for where they can and can't be and who and who will not be able to be permitted.

Thanks for reading my testimony in SUPPORT of SB 1230!

Mahalo, Janie Bryan



TO:Honorable Sen. Glenn WakaiChair, Senate Committee on Public Safety and Intergovernmental and Military<br/>Affairs

Honorable Sen. Brandon J.C. Elefante Vice Chair, Senate Committee on Public Safety and Intergovernmental and Military Affairs

- **FROM:** Connie Mitchell, Executive Director IHS, Institute for Human Services, Inc.
- RE: <u>SB1230</u> RELATING TO FIREARMS
- HEARING: Monday, February 6, 2023 at 3:00 PM
- **POSITION:** IHS supports the passing of SB1230 with amendments

IHS, the Institute for Human Services has been providing emergency shelter services to adult men, women, and families with children on Oahu for over 40 years. In recent years, we have experienced an increase in conflicts and threats of bodily harm for guests, and even instances of persons threatening gun violence. Thus far, we have been fortunate to have not yet suffered tragedy as a result.

However, as laws evolve here in Hawaii to make guns generally more accessible, we would greatly appreciate the outlawing of firearms possession in homeless shelters inclusive of adults in residence.

In recent months we have intensified our searches upon entrance into our shelters and have uncovered weapons of all kinds and including guns, in some instances. Homeless adults, many of whom are quite vulnerable, deserve to be protected from violence just as much as children.

Please amend the proposed statute to include protection for homeless adults in the following way in HRS 134-A(h)(6), to include as "sensitive places" adult homeless shelters and adult correctional programs, and similar programs for adults at-risk, so that the definition is not restricted only to children. Many of the adults in these supportive programs experience mental illness and/or substance abuse addiction where the presence of any firearm creates an unreasonable and imminent danger to all:

(6) Zoos, playgrounds, museums, libraries, recreation centers, and shelters and residential facilities operated by a government entity or a charitable organization serving unhoused persons, persons involved in the juvenile justice system or adult correctional system, or other persons who are similarly at-risk;

Thank you for the opportunity to testify.

IHS is Hawaii's oldest, largest, and most comprehensive human services agency, focused exclusively on ending and preventing homelessness in Hawaii. IHS is a 501(c)(3) charitable non-profit organization.



#### <u>SB-1230</u> Submitted on: 2/3/2023 1:18:05 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jane Davis	Individual	Support	Written Testimony Only

Comments:

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

-who is, and is not, entitled to carry a gun in public

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

—where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

Please support this very important bill to help keep Hawaii safe.

#### <u>SB-1230</u> Submitted on: 2/3/2023 10:13:37 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I am in full support of this bill. 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 notice on page seven that "Private property, including but not limited to residential," is included. I live in a high rise condo in Honolulu, with at least 1,000 residents, plus visitors, contractors, workers, passing through daily. I am very concerned about people with firearms trasversing the halls and riding the elevators, where we are trapped in transit with other riders. My reading of this is that unless the property allows it, persons carrying guns are not allowed on property. That is important for our safety.

Having seen gun owners whining about the application process and restrictions in the counties, I can only assume you will assaulted verbally and in writing by these people. If they had their way, there would be no permits required, no restrictions, etc. The safety and well being of the public is paramount. I urge you to pass this bill, safeguard the public, and not give in to the whining cry babies.

Mahalo.

# <u>SB-1230</u> Submitted on: 2/3/2023 1:53:16 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this Bill because it is an egregious violation of the 2nd Amendment.

#### <u>SB-1230</u> Submitted on: 2/3/2023 10:58:38 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Kevin Kacatin	Individual	Oppose	Written Testimony Only

Comments:

I am in absolute opposition to SB 1230. The "sensitive places" as defined are broad and keeps citizens in public places vulnerable to the same types of criminal activity historically and currently occurring in said public places.

I am also in absolute opposition to the components of SB 1230 that require interviews between concealed carry applicants and Honolulu Police Department officers and/or officials as the determination of "good moral character" is subject to objectivity that can be corrupted by biases.

#### <u>SB-1230</u> Submitted on: 2/3/2023 11:48:00 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Marcus Tanaka	Individual	Oppose	Remotely Via Zoom

Comments:

Wow, where to begin. This entire bill needs to be voted no on.

- 1. Sensitive places section:
  - 1. Page 3
    - 1. Section 1
      - 1. Schools
        - 1. This is already federal law
        - 2. College's
          - 1. This is an overreach since K-12 has already been established
      - 3. Day care, nursery
        - 1. Parents will have to choose to either be armed and exercise their right or be unarmed and drop off/pick up their kids. No parent will drop their child off and go back home to grab their gun and do it again when picking up their child. You will be making parents/guardians defenseless against criminals/active shooters.
      - 4. Zoo's, et. Al
        - 1. See above day care and parents taking their kids to the playground again will be defenseless inbetween their and what ever else they are doing.
      - 5. Bar, restaurant
        - 1. This will add to the defacto ban of CCW and bascially means one can only CCW on the sidewalk. Which is not the intent of SCOTUS Bruen ruling.
      - 6. Public gathering
        - 1. How does 1 stay 10 football fields away if they cannot see the "cleary and conspicuously" posted signs at the perimeter of the event?
      - 7. Public transit
        - 1. The bus at 10pm would be 1 of the perfect places for vicitms to carry a firearm to protect themselves. And this would essentailly ban anyone who uses the bus going to work or other places since they don't drive. Which means disarmed the entire day.

- 2. To have an automatic ban on private property is forcing someone to acknowledge a right. Does an establishment need a sign that says "Christianity welcome" if someone wants to exercise their 1st amendment (freedom of religion) right and discuss being a Christian? Or same with talking about ones dissatisfaction of their government or any other covered 1st amendment right. The answer is no. No one needs to put sign that says these rights are allowed.
- 3. So in all, this bill instead of abiding by SCOTUS ruling, makes it at most only allowed to CCW on the sidewalk, provided it's not within 1000 feet of an event. This is ridicioulous. This is a total violation of Bruen.
- 2. Page 18
  - 1. Now youre asking for a non mental health professional to make a diagnosis about someones mental status. This means that this portion is subjective and violates the Bruen SCOTUS ruling about any requirements being objective.
- 3. Page 21
  - 1. Asking for 4 reputable persons. What is the definition of "reputable"? Also this is violating the 2a because now you're asking non law enforcement to bascially do a form of a background check. Continue this to the residing in the hosuehold for contact info. It's none of the states business who 1 lives with.
- 4. Page 22
  - 1. Does HPD have the resources to do an interview without causing a long delay? People will be waiting 1 year to get their interview. There were 600 apps pending. So this would mean on a slow day HPD will need to interview 3 people a day every year. What if now thousands are applying for their CCW. Say 3000 people. That means HPD will have to talk to 10 people a day. HPD is open Monday-Friday and closed on holidays. So it they will probably have to interview 1 person every 10 mins to accomplish this and it would cause a 1 year back log. HPD will have to hire teams of officers to just accomplish this portion.
- 5. Page 23
  - 1. Because we are all enrolled in RAPBACK, why would the police have to contact other police departments? Is the state saying RAPBACK doesn't work?

So bascically, this entire bill is bologne and only being done so HI can go back to maintaining the status quo of no one CCWing. It's HI's way to not obey Bruen. And any senator who votes aye for this is acknowledging that fact.

#### <u>SB-1230</u> Submitted on: 2/3/2023 12:49:49 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Michael Elliott	Individual	Oppose	Remotely Via Zoom

Comments:

I am in STRONG OPPOSITION to SB1230. This bill is an attempt by the Hawaii Legislature to do an end around to the NYSRPA v Bruen decision which if you have been following the federal cases in New Jersey and New York upon which your bill is a cut and paste, you will see strong federal judge opposition to any so called "Sensitive Places" legislation. I have previously provided the five locations that are meeting with the historical context and analogous too. These locations as defined in Bruen, Heller and Caytano (sp) are as follows: Legislative Buildings, Court Houses, Polling places, Schools(public and historically applying to students), Jails and Prisons.

I strongly oppose the patchwork of hopscotch locations that is created with SB1230. This bill is directed at LAW ABIDING gun owners and not the criminal element of Hawaii who on a regular basis violate state and federal gun laws.

Here is a summary of the latest federal court decision regarding "Sensitive Places" I suggest the legislature take heed of the current court rulings and standings on this issue to reformulate a bill to the "Five Locations"

Case is Segal v Platkin New Jersey Bill A 4769 for reference.

US District Judge Renee Bumb issues a TRO against this bill

"After all, the Supreme Court was clear 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 analogues."

Certainly, Defendants anticipated challenges to the legislation and should have been better prepared to defend the legislation constitutionality"

"Private property owners have always been able to deny access to people, but to then say as a law abiding person have to ask permission or have the owner give permission every time, is not what the law historically has required"

"And what this does is it restrains the Second Amendment to a right only to carry on public property, which historically is not correct"

US District Court Judge Renee Bumb grated a TRO against the following NJ restrictions:

- 1. Parks, beaches and recreational facilities
- 2. Public libraries and museums
- 3. Bars, restaurants, other places where alcohol is served
- 4. Entertainment facilities
- 5. Casinos
- 6. Private property
- 7. Carrying of functional firearms in vehicles

"At the same time, the Court implore the Presiding Officers to focus their argument on the legitimate legal issues pending before this Court after the clear dictate from the United States Supreme Court in NYSRPA v Bruen."

"But the Bruen Court expressly stated that the government may not simply posit that the regulation promotes an important interest" in the Second Amendment context.

Instead, "the government must demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation."

"While the legislature may disagree with Bruen, it may not disobey it."

US District Judge Renee Bumb

It is not in the interest of Hawaii to enter into additional litigation upon which the overwhelming results are against the side stepping of Bruen by introducing "Sensitive Places" laws.

No other misdemeanor penalty results in the loss of an individual Constitutional Right.

I am in STRONG OPPOSITION to this and all other bills that attempt to INFRINGE upon the 2nd Amendment rights of law abiding citizens.

#### <u>SB-1230</u> Submitted on: 2/3/2023 2:41:21 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Karen Sullivan	Individual	Support	Written Testimony Only

Comments:

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will clear requirements on who is, and is not, entitled to carry a gun in public; how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental review; and where people who get permits to carry guns in public can and can't bring those guns.

SB1230 establishes a strong framework to accomplish this.

Please support this very important bill to keep our keiki's safe.

Sincerely appreciate your consideration, Karen Sullivan

#### <u>SB-1230</u> Submitted on: 2/3/2023 1:59:48 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier</b> Position	Testify
Nancy Taylor	Individual	Support	Written Testimony Only

Comments:

I stronly urge passage of SB1230 in order that essential parameters be set defining who is entitled to carry a gun in public, how verification of applications are to be handled as well as clear guidelines as to where guns will and will not be permitted.

Thank you for your consideration of my position.

#### <u>SB-1230</u> Submitted on: 2/3/2023 3:10:36 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
tlaloc tokuda	Individual	Support	Written Testimony Only

Comments:

Aloha PSM Chair, Vice chair n Committee,

The Supreme Court has been highjacked by the Rifgt. And their decisions are doing the country harm.

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

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

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

—where people who get permits to carry guns in public can and can't bring those guns SB 1230 establishes a strong framework to accomplish this.

Please support this very important bill to help keep Hawaii safe.

Mahalo for your consideration,

tlaloc tokuda

Kailua Kona HI 96740

#### <u>SB-1230</u> Submitted on: 2/3/2023 2:49:12 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Carol Maxym	Individual	Support	Written Testimony Only

Comments:

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this Bill in order to set clear standards on who is and is not entitled to carry a gun in public in Hawaii.

I support this Bill because it clarifies:

~how our County Chiefs of Police can verify people who apply for a permit to carry a gun in public. This Bill specifices a thorough background and mental health review are required.

~where people who qualify and receive permits to carry guns in public can and can't bring those guns

# SB 1230 establishes a strong framework to accomplish this.

I urge the Senate to pass this bill to help to keep Hawaii safe.

Thank you,

Carol Maxym, Ph.d

#### <u>SB-1230</u> Submitted on: 2/3/2023 10:16:31 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE: There are MANY issues with the proposed bill that may prove to be unconstitutional specific to the 2nd Amendment. In addition, it appears that an "alien" will automatically be granted permission but a citizen of this great State, must prove his worth before being granted permission as stated.

## <u>SB-1230</u> Submitted on: 2/3/2023 2:23:08 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Richard Todd Rentz	Individual	Oppose	Written Testimony Only

Comments:

"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." As elected officials, you are constitutionally sworn to protect those rights of the people!
# <u>SB-1230</u> Submitted on: 2/3/2023 3:18:43 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Adriel Lam	Individual	Oppose	In Person

Comments:

This is a violation of not only the 2nd Amendment, but also the First Amendment rights.

## <u>SB-1230</u> Submitted on: 2/3/2023 4:29:36 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Bernardo Soriano	Individual	Oppose	Written Testimony Only

## Comments:

I oppose bill 1230. Law abiding citizens have a constitutional right to bear arms and protect themselves and their loved ones wherever they are from a potentially violent and deadly encounter. I oppose the need to provide 4 personal references for application/approval for concealed carry weapon along with all the other mandates. Hawaii gun owners already undergo the highest scrutiny/vetting process to purchase and own a firearm in the nation per our state's leaders. If we are able to be fully vetted by the state to purchase and own a firearm, we should be able to carry a firearm for our self-protection. going through an additional and similar process to obtain a CCW permit is uneccesarily repetitive and takes away valuable time, energy and resources from the already short-staffed HPD. Time and resources that could be used more efficiently with more dire matters of the county. In addition, to mirror the other states that issue CCW permits, approved permits should be good for minimum 5 years before requiring renewal, again saving precious time, energy, and resources. It isn't the law abiding citizens that the county has to worry about or create more restrictions for, it is the criminals that by definition, do not obey laws and are commiting more violent and deadly crimes in the community that need to be dealt with. We have the right to defend ourselves.

# <u>SB-1230</u> Submitted on: 2/3/2023 4:37:20 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Evelyn Aczon Hao	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. Please pass it.

It describes clear requirements that help to keep innocent citizens safe by designating •who is or is not allowed to carry a gun public; how applications are verified through rigorous background and mental health checks; where those guns are permitted to be carried.

Hawaii citizens are safer that other states because of our strict gun lawa. Let's *keep* our citizens safe.

Respectfully, Evelyn Hao

Hawaii State Senate Committee Public Safety and Intergovernmental and

Military Affairs

To:

Hearing Date/Time: Monday, February 6, 2023, 3:00pm

Place: Hawaii State Capitol, CR 225 & Videoconference

Re: Judith Ann Armstrong is in strong support of SB 1230 which would set up clear permitting requirements before someone is allowed to carry a gun in public.

Dear Members of the Public Safety and Intergovernmental and Military Affairs,

I, Judith Ann Armstrong, am in strong support of SB 1230 Relating to Firearms.

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

-who is, and is not, entitled to carry a gun in public

-how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

-where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

Thank you for this opportunity to testify in support of SB1230.

Sincerely,

Judith Ann Armstrong

# <u>SB-1230</u> Submitted on: 2/3/2023 3:19:42 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Mary Smart	Individual	Oppose	Written Testimony Only

Comments:

This bill infringes on the rights of the people to keep and bear arms. The U.S. Constitution protects those rights.

Do not Pass SB1230.

## <u>SB-1230</u> Submitted on: 2/3/2023 3:19:20 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Hipolito Olaes	Individual	Oppose	Written Testimony Only

Comments:

I wholly oppose this proposed bill as it is unconstitutional based on SCOTUS ruling in Bruen. There are no historical gun laws that support the proposals contained in this bill. Passing it is also a waste of taxpayers money as it would definitely be challenged in the courts. Legislators should stop passing laws that doesn't pass constitutional muster.

# <u>SB-1230</u> Submitted on: 2/3/2023 3:19:51 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Donald L Williams	Individual	Support	Written Testimony Only

Comments:

The aqiesence to the gun lobby has gone on too long. Well over half the population is in favor of reasonable limits on gun ownership. Support SB1230.

# <u>SB-1230</u> Submitted on: 2/3/2023 11:47:16 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Mary Lu Kelley	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support <u>SB1230</u>, 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.

Thank you.

# <u>SB-1230</u> Submitted on: 2/3/2023 3:54:08 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Esther Geil	Individual	Support	Written Testimony Only

Comments:

Please support this bill to make our community a little safer for all of us! I am depending on you.

Thank you for your help to do what can be done. We will all be grateful to you.

# <u>SB-1230</u> Submitted on: 2/3/2023 3:35:02 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Lois Langham	Individual	Support	Written Testimony Only

Comments:

This is a good start to keeping Hawaii the Aloha state. The entire state should be a safe space!

## <u>SB-1230</u> Submitted on: 2/3/2023 4:45:58 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Margaret Sneed	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am Margaret Sneed, a retired HPD Lieutenant. In the 25 years I was a police officer, access to guns has been the number 1 cause of deaths for victims of domestic violence and suicides. It is vital to the safety of women, children and families that guns are regulated, persons are screened for mental health and there are clear processes to minimize the number of guns that are available both legally and illegally in our community to commit crimes. Until you have experienced viewing an entire family murdered from a distraught father who has mental health issues or a child who got possesion of a gun they found in their house and decided to use it to take away their misery, it is easy to separate your self from "them". They are our families, our children and we can do something about it by regulating who is given permits to carry and under what circumstances. Even something like the Hunters Education requirement for hunters for anyone who is taking a lethal weapon into their possession would at least make them aware of the consquences, of the duty to safety for themselves and anyone they come in contact with. I support SB1230. I ask that you consider the consequences of not supporting this bill

## <u>SB-1230</u> Submitted on: 2/3/2023 4:01:09 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Paul Bernstein	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Wakai and Members of the Public Safety and Intergovernmental and Military Affairs Committee:

I'm writing in support of SB1230. This country needs to do much more around gun safety. Too many people are dying from guns whether it's by suicide or murder. Please take this important step to make our state safer and pass this bill out of your committee.

Respectfully,

Paul Bernstein

## <u>SB-1230</u> Submitted on: 2/3/2023 1:26:06 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Matt L	Individual	Support	Written Testimony Only

Comments:

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

-who is, and is not, entitled to carry a gun in public

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

—where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

Put your political contributions aside and do the right common sense thing

Please support this very important bill to help keep Hawaii safe.

# <u>SB-1230</u> Submitted on: 2/3/2023 10:08:42 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Brian Isaacson	Individual	Oppose	Written Testimony Only

Comments:

While other venues are relaxing firearms laws in accordance with recent Supreme Court decisions, this bill would increase restrictions and infringe on citizens' rights, without affecting criminals and their behavior. Let other states hash out these issues so that Hawaii doesn't get sued repeatedly and unnecessarily. Locking guns in cases is only more problems for honest citizens. Go after criminals, instead.

# <u>SB-1230</u> Submitted on: 2/3/2023 6:45:14 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Judith White	Individual	Support	Written Testimony Only

Comments:

Aloha, my name is Judith White and I live in Kapaa. I am a parent, Tutu, and mental health professional. I support SB 1230, because I don't want to wonder whether someone is carrying a gun every time I go into my favorite coffee shop, grocery store, or when I'm consulting on the Elementary School campus. The idea that concealed guns could be in these places makes me feel less safe in our community.

Thank you for keeping Hawaii the #1 safest state Re to gun violence!

# <u>SB-1230</u> Submitted on: 2/3/2023 6:59:28 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Anderson O'Mealy	Individual	Support	Written Testimony Only

Comments:

We need to be very careful about where guns can be carried. Definitely not on public places. I'm not opposed to taking guns away from police either. Less chance they will kill someone. no guns anywhere is best.

# <u>SB-1230</u> Submitted on: 2/3/2023 7:07:40 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Lori Kizer	Individual	Support	Written Testimony Only

Comments:

It is essential to pass this bill which will set clear requirements on:

\* who is, and is not, entitled to carry a gun in public

\* how our county chiefs of police can verify people applying to carry a gun in public including

a thorough background and mental health review

\* where people who get permits to carry guns in public can and can't bring those guns.

PLEASE help keep Hawaii safe!

MAHALO for supporting this bill.

<u>SB-1230</u> Submitted on: 2/3/2023 9:05:15 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Michael Hyland	Individual	Support	Written Testimony Only

Comments:

I support this bill.

## <u>SB-1230</u> Submitted on: 2/3/2023 5:15:51 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Linda White	Individual	Support	Written Testimony Only

Comments:

Dear Committee Members,

My name is Linda White and I live at 1504 Ihiloa Loop in Honolulu. I am a long term resident of Hawaii, active-duty military spouse, parent and grand parent.

I am writing to submit my strong support for this important Bill (SB 1230). Our state needs to be kept safe from the extreme gun violence and lack of safety we have seen on the mainland, largely driven by a lack of common sense gun safety aws and regulations.

Our right to safety and peace of mind, particularly in sensitive places in the state, are of the utmost importance.

My best friend Kristine Cass and her 13 year old daughter Saundra were murdered in Makiki on August 20, 2010 by a person with a gun. Anything your committee can do to ensure safety and peace of mind through common sense gun safety bills, like SB 1230, are deeply appreciated and have my fullest support.

Thanks you.

Respectfully,

Mrs. Linda White

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 2<sup>nd</sup> 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</u> Submitted on: 2/3/2023 6:12:31 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Kwailan Barsotti	Individual	Support	Written Testimony Only

## Comments:

Gun violence has led to the mass murder or countless American children in their schools and neighborhoods, places they should feel safe. Limitations on access and regulations updated to support the privelege of gun ownership must be a prioroty. Hawaii has been historically and culturally know for putting "ohana" first. This concept of family is what has been a growing resilience for communities and it is this appraoc that is needed when issuing permits. We need people that are model citizens having access (not just on paper but also community feedback), we need 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 a sensitive location. Define sensitive location. Require licenses to carry 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. Defines locked container and makes conforming amendments. And Establish high penalties for violations" of this privilege.

We must hold our families and communities to higher standards than the rest of America right now because "Aloha" and "Ohana" are symbolic strengths of Hawaii that this writer believes will be eradicated without supporting limited gun access.

<u>SB-1230</u> Submitted on: 2/3/2023 5:18:32 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this bill.

# <u>SB-1230</u> Submitted on: 2/3/2023 9:33:00 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Kenny Kwan	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. This bill is useless, there already is a strict requirement to obtain firearms plus a doctor already needs to sign off saying you're mentally able to possess firearms.

I urge all lawmakers to vote in favor of SB1230. Any measure you take to reduce the prevalence of guns in our state will help us maintain our health, safety, serenity, and precious spirit of aloha. Surrendering to the cries of citizens' rights will only amplify the alarming and growing tide of gun violence that plagues our nation. Because we are a supposed civilized society, I believe the founders of our country intended that the right to bear arms would be accompanied by guidelines rooted in reason, rigor, and respect for humanity. You are empowered as lawmakers to ensure this. Without stringent guardrails for gun ownership, we can only expect to feed a cancer that will quickly metastasize. Please do all you can to prevent this scourge. Our residents work hard to cultivate and preserve Hawaii as the Aloha State. Passage of SB1230 is essential to this mission.

# <u>SB-1230</u> Submitted on: 2/3/2023 7:35:24 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Younghee Overly	Individual	Support	Written Testimony Only

Comments:

Mahalo for hearing this important measure. Please pass SB1230 to keep Hawaii safe since SB1230 will prohibit carrying a firearm in sensitive locations such as schools, parks, public transportations, etc..

## <u>SB-1230</u> Submitted on: 2/3/2023 9:51:45 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Donovan Sun	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Wakai and Vice Chair Elefante,

I oppose this bill because it is a violation of our second amendment rights. Everyone should have the right to bear arms and protect their property and life. I was assaulted and mugged by a group of men and I ended up in the hospital with injuries that affect my life forever. I called the police and by the time they showed up, the people who assaulted me got away and I was already in a car on the way to the hospital. If I had a firearm to protect myself that night I would have had a fighting chance and maybe not have to suffer everyday with these injuries.

Thank you your time,

Donovan Sun

## <u>SB-1230</u> Submitted on: 2/3/2023 10:43:45 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Lynn Otaguro	Individual	Support	Written Testimony Only

Comments:

Dear Chair Wakai, Vice Chair Elefante and members of the Public Safety and Intergovernmental and Military Affairs Committee,

I support SB 1230.

After the Supreme Court's decision, it is essential to pass this bill to set clear requirements on: —who is, and is not, entitled to carry a gun in public

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

—where people who get permits to carry guns in public can and can't bring those guns.

SB 1230 establishes a strong framework to accomplish this.

Please support this very important bill to help keep Hawaii safe.

Thank you,

Lynn Otaguro

# <u>SB-1230</u> Submitted on: 2/4/2023 4:42:29 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
David Lau	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. It is clearly unconstitutional and does not follow the law of the land. The burden is on the Government to prove it's constitutionality using history and text of the constitution. This clearly does not. Law makers should be held to the same standard of law abiding citizens. They are not above the law. I oppose SB1230.

## <u>SB-1230</u> Submitted on: 2/4/2023 6:29:55 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jon Abbott	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1230.

As the fourth person to receive a concealed carry license in Honolulu County I find it appalling that this bill seeks to prevent law abiding citizens from being able to carry firearms in the very places they will most likely be attacked.

SB1230 also adds a moral character component to the application process - this is nothing more than another framing of the 'good cause' requirement that was previously used to prevent citizens from receiving their licenses to concealed carry. The Bruen decision affirmed that carrying a firearm for self defense outside the home is a right and a such every person has the right to get a license unless their actions have proven them disqualified.

The only aspect of the proposed bill I support is to allow concealed carry holders a legal means to store a firearm in a locked container in their vehicle.

Otherwise, I urge the committee to strike down this flawed legislation.

# <u>SB-1230</u>

Submitted on: 2/4/2023 7:32:13 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
NOAH DRAZKOWSKI	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because law abiding citizens should be able to legally carry a Concealed Weapon anywhere a police officer is allowed to carry and protect themselves. Concealed Carried Weapons are for defensive life.

# <u>SB-1230</u> Submitted on: 2/4/2023 8:24:44 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Michele Nihipali	Individual	Support	Written Testimony Only

Comments:

<u>SB1230</u>, 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. This is desperately needed to keep all people safe and monitor who can carry a gun in public and places where firearms are not permitted.

# **Please support SB1230**

Thank you for your consideration,

Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717

# <u>SB-1230</u> Submitted on: 2/4/2023 7:46:34 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
noela von	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

Please protect Our Second Amendment. Please stop chipping away at Our Constitutional Rights to protect ourselves. You are working for "We The People", now please do your job and protect what our Founding Fathers created. Thank you very much.

Noela von

# <u>SB-1230</u> Submitted on: 2/4/2023 8:33:59 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Marilyn Seely	Individual	Support	Written Testimony Only

Comments:

It is imperative that we make these changes at the minimum to allow us the extra protection we need now that firearms are killing innocent people in record numbers. Let Hawaii lead the way.

# <u>SB-1230</u> Submitted on: 2/4/2023 8:09:41 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Loretta Brem	Individual	Support	Written Testimony Only

Comments:

It is vital the people of Hawaii support bill 1230. W/out it these islands would not have a puuhonua.

# <u>SB-1230</u> Submitted on: 2/4/2023 8:08:31 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Raymund Bragado	Individual	Oppose	Written Testimony Only

Comments:

I'm a retired veteran with two combat tours in Iraq (2003 and 2008). Support the Constitution, Support the 2nd Amendment. "Shall not be infringe" Any law makers should follow the highest law of the land. I love and pray for this Country

Aloha board members,

I oppose this bill. Requiring the police to conduct interviews of a concealed carry license, 3 reference people for the police to verify, the requirement to take classes annually with only a one-year valid license, and the cost associated to take those annually.

This would not be a safety or cost effective use of our police members. In my county of Maui, it takes over 4 months to get a permit approved. A review of providing a standard timeline for the applications to be approved or denied is needed. It takes 14 days to do a background check to acquire a firearm. It should not take that much longer for a concealed carry license. You must take a class every 8 months so you can turn your paperwork in before your permit expires.

Adding more steps to delay someone's legal ability to get a permit, the costs associated with maintaining licenses, the annual requirements, these standards are restraining one's ability to not only obtain the legal ability to own a gun but to maintain the legal ability to own said gun year after year. I think this may open the county up to lawsuits in regards to one's constitutional rights. The annual requirements for classes is unreasonable when most other states have and a fee of 50 to 60 dollars and 3-5 years valid permits. Affordability of our constitutional rights should be taken into account in this instance.

This bill would render 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.

Mahlo for your time.

Amanda Mae Marzan

Any questions about my testimony please don't hesitate to call me 808-280-6025.
# Charla Teves Honolulu, Hawaii 96817

TO:	Committee on Public Safety and Intergovernmental & Military Affairs
DATE:	Monday, February 6, 2023
TIME:	3:00 PM
PLACE:	Conference Room 225 & Videoconference
	State Capitol, 415 South Beretania Street
BILL:	SB 1230, Relating to Firearms
POSITION:	SUPPORT

Aloha Chair Wakai, Vice Chair Elefante, and members of the committee!

My name is Charla Teves and I am testifying in support of SB 1230, relating to firearms. I am a lifelong resident of Honolulu, a graduate of Maryknoll High School, and a college student pursuing a degree in political science.

My generation has grown up under the pervasive threat of gun violence in our schools and in our communities. Gun violence is currently the **leading cause of death** for young people. Every day, more than 110 Americans are killed with guns and more than 200 are shot and wounded. The effects of gun violence extend far beyond these casualties—gun violence shapes the lives of millions of people who witness it, know someone who was shot, or live in fear of the next shooting.

When I was in high school, I met a Hawaii gun violence survivor at the state capitol. His firsthand account of being shot five times and surviving inspired me to get more deeply involved in gun violence prevention. I founded the local chapter of a student gun violence prevention organization and represented Hawaii at a national rally at the U.S. capitol to pass federal legislation where I met many more survivors of gun violence. I have also worked as an intern in the Hawaii state Senate which showed me the power of policy to make a difference in the life of every resident. I strongly believe in the importance of designating sensitive places where guns will be prohibited. Please pass this bill.

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

<u>SB-1230</u> Submitted on: 2/4/2023 9:46:45 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Susan Douglas	Individual	Support	Written Testimony Only

Comments:

Please Support!

# <u>SB-1230</u> Submitted on: 2/4/2023 9:55:10 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Faith Marie Harding	Individual	Support	Written Testimony Only

Comments:

Aloha. I am testifying today in support of SB 1230.

We, as people of this nation, the state of Hawaii and the county of Kauai have so much to be concerned about. Whether it's Coco Palms, traffic, housing, food costs, sovereignty issues, or voting rights, for me, there is nothing more important than the mass shootings that have continued to plague this nation. Since the reversal of the ban on assault weapons in 2004, the mass shootings in this country have risen to epic proportions. In Jan 2023 alone, we've had nearly 40 mass shootings.

In June 2022, the Supreme Court of the United States issued a 6-3 decision in New York State Rifle & Pistol Association v Bruen that expanded the right of Americans to bear arms as guaranteed by the Second Amendment of the U.S. Constitution. This decision is over the oral arguments from November 2021 about the 100-year-old New York state handgun licensing law requiring individuals to show proper cause before they can be licensed to carry a concealed weapon in public. The plaintiffs argued that the law violates the Second Amendment in which the Supreme Court agreed.

Hawaii has been the beacon leader in gun sense laws. We have some of the strongest for over 120 yrs and the lowest rate of gun deaths in the nation. Among many of its life saving laws, the state has a law that requires gun purchasers to obtain a license and complete a firearm safety course. <u>https://www.everytown.org/state/hawaii/</u>

The Supreme Court has never before held that the second ammendment protects an individual's right to carry firearms outside of the home, let alone in a crowded city streets. We, as the general public, have now been thrown into a quagmire. This is over the "sensitive areas" question in which conceal carry weapons are not allowed. There is no legislation from the Federal government, nor the state of HI yet. The Supreme Court has left it to the local governments to create this legislation which is causing much confusion.

Now is not the time to throw out life saving gun laws. Both the pandemic and increased gun sales have been linked to more gun deaths. Meanwhile, frequent mass shootings continue to devastate the country., the threats posed by violent extremism and domestic terrorism are growing, and gun violence in cities are spiking! Now is the worse time to deprive communities of their tools to protect all of us from gun violence.

I am a survivor of gun violence. Do the right thing. Set clear boundaries where guns can/cannot be carried. Guns don't belong at schools, parks, playgrounds, movies, theatres, public spaces. Guns and alcohol should never mix so not at restaurants or bars. Make it clear with this bill. Also anyone that is a threat to the public or to an invidiual such as a domestic violence offender should not be allowed this permit to carry. We implore you those of us that have had gun violence in our lives to please do the prudent and reasonable action.

Mahalo for your attention to this extremely important matter.

# <u>SB-1230</u> Submitted on: 2/4/2023 10:02:44 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Bryan Gomes	Individual	Support	Written Testimony Only

Comments:

As a concerned citizen. I encourage all involved to support this bill.

# <u>SB-1230</u> Submitted on: 2/4/2023 10:13:36 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Debra Pozin	Individual	Support	Written Testimony Only

Comments:

Legislatures duty and priority is to protec citizens from harm or danger, and i t is just common sense to require permitting before someone is allowed to carry a gun in public and common sense to clear boundaries on where someone can and can't bring those guns. Not to do so is a derelection of duty because guns kill and endanger people.

# <u>SB-1230</u> Submitted on: 2/4/2023 10:24:13 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jacob Stewart	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose every aspect of the original draft of this bill as there is no historical precedent for these restrictions. Based upon the recent SCOTUS ruling there should not be any non-historical limitations placed upon the right to keep and bear arms. Not only would SB1230 be in direct violation of this SCOTUS ruling, but it is clearly an attempt to limit the rights of a law-abiding citizens who already have to go above and beyond anything normal to be able to exercise something that is a Constitutional RIGHT. Even people exercising a widespread, and yet far more deadly and dangerous, PRIVILEGE like driving do not have to go through the amount of administrative legal or medical rigamarole that is required of those wanting to exercise a constitutional RIGHT! Please stop attempting to erode the rights of the people.

# Committee on Public Safety and Intergovernmental and Military Affairs Chair Glenn Wakai, Vice Chair Elefante Brandon J.C.

# Monday, February 6, 2023, 3 p.m., Conference Room 225 SB1230 – Relating to Firearms

# Testimony Judith Mills-Wong

I support SB1230. Due to the US Supreme Court decision that Hawaii must allow people to carry concealed guns, it is essential that the legislature define the requirements for licensing in order to protect the people of Hawaii.

Hawaii has long been the safest state with respect to gun violence and this is a credit to the laws and restrictions that have been in place thus far. SB1230 establishes a strong framework for keeping Hawaii safe.

This bill identifies who will be and who will not be able to carry a gun in public. It clearly identifies "sensitive locations" where firearms will be restricted. These include schools, places of government, places of worship and other locations that have sadly been locations of gun violence in other states. This component of the bill helps keep Hawaii's population safe.

The bill specifies how county chiefs of police shall verify people applying to carry a gun in public including a thorough background review, consideration of character/temperament necessary to be entrusted with a firearm, mental health review.

SB1230 specifies clear and sufficient waiting periods to allow for a 'cooling off' period for the purchase of a gun.

The law includes instruction for the safe storage and transport of guns including instructions for securing firearms in locked, secure containers and provides penalties for failing to store a firearm securely. This is a sensible and reasonable requirement.

The law requires applicants for a license to carry a concealed weapon to provide proof of a firearm certification program that includes safe handling of a weapon, knowledge of relevant gun laws including secure storage practices and sensitive location restrictions. This measure helps keep the people of Hawaii safe.

Throughout the bill, provisions are made to allow responsible gun owners the opportunity to use firearms appropriately, such as for hunting, target shooting and self-defense. This law is not unduly onerous to the careful and responsible gun owner.

To summarize, I support SB1230 which will address the issue of the US Supreme Court's decision while protecting the safety of the people of Hawaii.

<u>SB-1230</u> Submitted on: 2/4/2023 10:28:03 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Mikhael Kobayashi	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

# <u>SB-1230</u> Submitted on: 2/4/2023 10:28:32 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Martha Nakajima	Individual	Support	Written Testimony Only

Comments:

It is essential to pass this bill which establishes

who is and is not entitled to carry a gun in public,

guidance for county police chiefs in granting permits, and

where permit holders may and may not bring guns.

Thank you

Martha Nakajima, member of Indivisible Hawaii, Honolulu 96815

# <u>SB-1230</u> Submitted on: 2/4/2023 11:08:29 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Barbara Penn	Individual	Support	Written Testimony Only

Comments:

Please pass this legislation as a first step to protect our Island from mass shootings. We cannot allow this madness of irresponsible gun ownership that prevails on the mainland. Please vote YES.

Mahalo,

Barbara Penn, Wailua

<u>SB-1230</u> Submitted on: 2/4/2023 11:20:48 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
joshua	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as written.

# <u>SB-1230</u> Submitted on: 2/4/2023 12:34:28 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Michael I Rice	Individual	Oppose	Remotely Via Zoom

Comments:

I stand in **STRONG OPPOSITION** to this bill. It is 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, early 1800s), and there are numerous mainland gun groups just waiting for Hawaii to pass this law so they can bring forth lawsuits.

The ban on carrying on public transport is also highly unfair to those (such as myself) who rely heavily on public transport. If passed I'll now need to buy a car and never be able to use public transport, those who can't afford that will simply not be able to exercise their 2nd Amendment Right to carry a firearm to defend themselves.

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.

# <u>SB-1230</u> Submitted on: 2/4/2023 1:36:47 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Shannon Matson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I am in strong support of this bill. Since the Supreme Court decided that Hawaii must allow people to carry concealed firearms, it is essential to pass this bill which will set clear requirements on:

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

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

-where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this. We have already passed a bill at the County level for Hawaii Island, but we want an even stronger bill at the State level and one that is consistent across our archipelago to avoid confusion.

Please support this very important bill to help keep Hawaii safe.

Mahalo,

shannon matson

Hawai'i Island Resident

#### <u>SB-1230</u> Submitted on: 2/4/2023 2:49:31 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Joan White	Individual	Support	Written Testimony Only

Comments:

Dear Chair Wakai and Vice Chairp Elefante,

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

-who is, and is not, entitled to carry a gun in public

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

—where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

Please support this very important bill to help keep Hawaii safe.

# <u>SB-1230</u> Submitted on: 2/4/2023 4:20:30 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Kevin J. Cole	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I strongly oppose City and County of SB 1230. The notion that somehow some areas are "more sensitive than others" is illogical and just creates the possibility of entrapment of law abiding citizens. One's Constitutional Rights do not end depending which driveway you enter to access a building.

Non-CCW holder gun owners are already the most thoroughly scrutinized citizens in the state. Those seeking or holding a CCW permit even more so. They are not the threat.

A taxpayers rights should not be curbed due the feelings of others. Would First Amendment rights be dictated in such a manner? No.

Public safety is vital, but unreasonable hurdles to civil rights is not the way to achieve safety. Getting felons and such off the streets is.

V/R

Kevin J. Cole, Col USAF ret

Mililani

# <u>SB-1230</u> Submitted on: 2/4/2023 5:33:34 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Barbara Best	Individual	Support	Written Testimony Only

Comments:

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

-who is, and is not, entitled to carry a gun in public

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

-where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

# <u>SB-1230</u> Submitted on: 2/4/2023 5:54:05 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Gordon Fowler	Individual	Oppose	Written Testimony Only

Comments:

I solidly oppose this bill and all it stands for.

The Supreme Court has spoken. The second ammenment stands...yes even here in Hawaii

despite what many of you folks may think.

These type of restrictions have been found to be unconstitutional in other jurisdictions and will be found so here.

All that is being accomplished by this legislation is dragging thing out and costing the taxpayer more through litigation.

'Nuff already. The rest of the country with a couple of hold outs has recognized our right to keep and bear Arms defensively. The only places where blood is flowing are those with the most restrictions. California, Chicago, New York and so on.

It is time for us to join the 21st century and trust your Law abiding citizens.

# <u>SB-1230</u> Submitted on: 2/4/2023 1:11:12 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Mimi Beams	Individual	Support	Written Testimony Only

Comments:

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

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

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

-where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

# <u>SB-1230</u> Submitted on: 2/4/2023 4:29:20 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Bradd Haitsuka	Individual	Oppose	Written Testimony Only

Comments:

I am writting in opposition to this unconstitutional bill, a similar bill like this has already been ruled unconstitutional in new york, and new jersey.

Thank You,

Bradd Haitsuka

# <u>SB-1230</u> Submitted on: 2/4/2023 5:29:37 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
pahnelopi mckenzie	Individual	Support	Written Testimony Only

Comments:

I am in support of prohibiting Guns in senstive places, including non profit organizations

# <u>SB-1230</u> Submitted on: 2/4/2023 12:41:25 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Benel Piros	Individual	Oppose	Written Testimony Only

Comments:

Oppose this Bill because it still infringes out rights as Law Abiding Citizens not allowing us to carry any where but the sidewalk. Criminals have no regard For the Law and will commit crimes regardless.

# <u>SB-1230</u> Submitted on: 2/4/2023 4:04:37 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Elizabeth Nelson	Individual	Support	Written Testimony Only

# Comments:

I support requiring thorough universal background checks of criminal and mental health history, proof of insurance for firearms injuries, and robust safety training for all firearms purchases, transfers and carry permits. The loophole should be removed that allows rifles and shotguns to be loaned to other persons for 15-75 days, without notice to the government and without any license, permit or background check for the person receiving the weapon. Permits for rifles and shotguns should be subject to the same restrictions as for pistols and revolvers (valid for only one purchase within 10 days of permit issuance, instead of unlimited purchases with one year) so background checks can be made promply before each purchase. Firearm permits should prohibit carrying firearms in Sensitive Places (broadly defined to include but not be limited to governmental buildings, parks, public transportation, sports and entetainment venues, bars and restaurants, commercial establishments, schools and houseless shelters).

# <u>SB-1230</u> Submitted on: 2/4/2023 6:11:03 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
G L Hutchinson	Individual	Support	Written Testimony Only

Comments:

# Please, for our safety, support this important bill.

Hawaii is one of the safest states in the country BECAUSE of our gun safety laws. Since the Supreme Court (not the voters) decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

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

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

—where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

Please SUPPORT this very important bill to help keep Hawaii safe.

I am a registered voter in Kaneohe and I VOTE.

# <u>SB-1230</u> Submitted on: 2/4/2023 6:24:24 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Debbie Wyand	Individual	Oppose	Written Testimony Only

Comments:

I am in opposition to SB1230. This bill would render one's concealed carry permit useless with such broad definitions used.

This bill would restrict our right that the US supreme court ruled last year in the Bruin V.S. New York case that you can not make every area a sensitive place. New Jersey and New York have tried passing bills like this and they are now dealing with extensive lawsuits and have already been ruled unconstitutional by more than 3 judges .

This bill will also be in the courts and will not hold up to text and history tests when the 2nd amendment was made. It is your duty to follow the Supreme Court ruling.

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 rights being delayed.

There must be a timeline for the application to be approved or denied. It takes 14 days to do a background check to acquire a firearm. It should not take any 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 would need to take a class every 8 months so you can turn your paperwork in before your permit expires. A reasonable time is a 3- or 5-year valid permit like most other states and a fee of \$50 to \$60.

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? Not required because 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.

Do not pass SB 1230 which would be totally against the full intent and meaning of the Supreme Court decision.

#### <u>SB-1230</u> Submitted on: 2/4/2023 7:07:07 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
PAMELA SUMMERS	Individual	Support	Written Testimony Only

Comments:

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

-who is, and is not, entitled to carry a gun in public

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

—where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

Please support this very important bill to help keep Hawaii safe.

<u>SB-1230</u> Submitted on: 2/4/2023 8:05:41 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Dennis Djou	Individual	Oppose	Written Testimony Only

Comments:

I opposed this bill

# <u>SB-1230</u> Submitted on: 2/4/2023 8:23:24 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Charles Tom	Individual	Oppose	Written Testimony Only

Comments:

I oppose S. B. 1230. I believe that the places that are included as prohibited from carrying a concealed weapon are the places where a concealed weapon is needed most. They are the places where people are assembling, and that is where shooters will go knowing that no one will have a concealed weapon. You are prohibiting people who have gone through safety classes, training, and a thorough background check to not be able to carry a concealed weapon. They have been thoroughly vetted by HPD. Criminals don't follow laws, so they will carry a concealed weapon wherever they please. California has among the strictest gun laws in the nation, and it still has not stopped gun violence. As an American citizen, I support the Second Amendment that gives you and I the constitutional right to keep and bear arms and that it SHALL NOT BE INFRINGED UPON.

# <u>SB-1230</u> Submitted on: 2/4/2023 9:11:03 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
gabrielle davidson	Individual	Support	Written Testimony Only

Comments:

Hawaii has been my home since the age of 4. One of the things I've loved most about living here is how seriously we take gun ownership. Since the Supreme Court unfortunately decided that Hawaii must allow people to carry concealed guns, it feels like the thing I loved the most is slowly being chipped away at. To protect our quality of life and safety, it is essential to pass this bill which will set clear requirements on:

-who is, and is not, entitled to carry a gun in public

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

—where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

Please support this very important bill to help keep Hawaii safe. Thank you.

# **TESTIMONY OF ELLEN GODBEY CARSON IN SUPPORT OF SB 1230**

# 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 strikes that right balance, but would be enhanced by the four amendments below.

I support SB 1230 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.

A. In HRS 134-A(h)(6), also include as "sensitive places" <u>adult</u> homeless shelters and programs serving <u>adults</u> involved in our corrections system. Many of these persons experience mental illness and/or substance abuse addiction where any presence of a firearm creates an unreasonable and imminent danger to all.

(6) Zoos, playgrounds, museums, libraries, recreation centers, and shelters and residential facilities operated by a government entity or a charitable organization serving unhoused personschildren, adults involved in the adult criminal corrections system, children involved in the juvenile justice system, or other personschildren who are similarly at-risk;

B. In HRS 134-A(h)(18), require a "clear and conspicuous posting" by all the listed establishments, 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 andor clearly and conspicuously posts a sign at the entrance of the building or on the premises indicating that license holders are permitted to carry firearms on the property.

C. In HRS 134-B(e), 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. In this state, the DOH AMHD, Public Safety Division and Family Court would have extremely relevant records of individuals who have been dangerous, involved in domestic violence, "red flag" orders, juvenile violent offenses, state hospital commitment and similar

psychiatric background that may not otherwise be included on the national databases. Failing to routinely search these databases means that individuals already known to be dangerous would not be identified in a background search.

(e) .... 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; ; and shall make inquiries to the State of Hawaii Department of Health Adult Mental Health Division, Honolulu Public Safety Department and Hawaii Family Court, and making inquiries to the State of Hawaii Adult Mental Health Division, Honolulu Public Safety Department and Hawaii Family Court, before any determination to issue a permit or to deny an application is made. In determining whether the person lacks the essential character or temperament necessary to be entrusted with a firearm, the licensing 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 for disqualifying crimes 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. Each applicant shall be required to disclose mental health and substance abuse history from the past 10 years, including disclosure of health care providers and submission of a HIPAA-compliant authorization for release of mental health information and substance abuse information from all medical sources for the past 10 years, including health care providers, health care plans and government entities. ...

D. 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.

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

Thank you for your consideration of my testimony and helping protect our most vulnerable residents.

Ellen Godbey Carson Honolulu, Hawaii

# <u>SB-1230</u> Submitted on: 2/4/2023 9:17:22 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Joel Berg	Individual	Oppose	Written Testimony Only

Comments:

The vast majority of states have no such restrictions have have never shown any causation between carrying a firearm for self protection and increases in violence. Hawaii gun owners are vetted, safe, and responsible. Let them assume responsibility for their own personal safety. This proposed legislation is reactionary, costly, and is destructive to the institution of responsible citizenship.

#### DANETTE KONG Kula, Maui, HI 96790 danettekong@gmail.com

February 4, 2023

# NOTE OF ADDED CONCERN IN SUPPORT OF SB1230

Aloha, honorable members of the Legislature -

# Please know that I STRONGLY SUPPORT this bill. **But I also am concerned that there is no mention of** places of worship to be designated as Safe Places.

In my former fulltime work as a hospital chaplain, I stood alongside medical staff as they desperately tried to save the lives of persons who had been wounded in violent confrontations. I watched as a shaken housekeeper cleaned copious amounts of blood off the floors of the emergency room, and tried to offer support. I have sat with grieving `ohana of young people and adults who have died due to violent encounters.

And, I can never forget the horrific day the father of my son's neighborhood playmate was shot to death by his coworker at the Xerox facility on Nimitz Highway. More and more, such a horror is increasingly less of an anomaly, occurring on a daily basis within our nation.

As I read reports and watch video of escalating violence in our society – violence expressed physically, as well as verbally – I relive these memories and my heart still weeps. I am deeply disturbed by the increased accessibility of firearms, making violent confrontations more deadly. Persons who are experiencing emotional, reactive distress are able to create great havoc and pain upon innocent bystanders, as well as targeted individuals, including themselves, with one pull of a trigger. That pain and its accompanying devastation extends upon the `ohana of these victims, as well as our communities. Daily, we are heartbroken witnesses via news reports and social media that NO ONE is safe from random, as well as the planned destruction of lives and property. **There have already been mass shootings in places of worship on the mainland, including:** 

- \*11 killed in a Jewish synagogue in Pennsylvania;
- \*7 killed in Sikh temple in Wisconsin;
- \*26 killed in a Baptist church in Texas;
- \*9 killed in a Buddhist temple in Arizona;
- \*9 killed in an African Methodist Episcopal church in South Carolina

Our humanity is wounded and in deep crisis.

The efforts this bill puts into place cannot, on their own, possibly stem the horrific and frightening tide of violence which we are experiencing in our society. That requires even further work and courage by you as our legislators, and by the focused, diligent will of the rest of us as citizens. But hopefully, this bill can set some important boundaries which help prevent a wider scope of such tragedies.

# <u>Please stand firm in your support and passage of this bill. Please ALSO consider amending the Bill to include places of worship as designated Safe Places.</u>

With concern and heartache,

(The Rev.) Danette Kong

Retired health care chaplain; ordained minister with the Hawai`i Conference of the United Church of Christ Advisory Board member, The Interfaith Alliance of Hawai`i

# <u>SB-1230</u> Submitted on: 2/4/2023 10:21:08 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	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.

# <u>SB-1230</u> Submitted on: 2/4/2023 11:15:26 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
kimo galon	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1230.

First, leaving an unattended firearm in the car is already illegal. There is no reason why we have 2 laws for the same issue. It is redundant.

Another issue is that having character referance interview oversteps our rights to privacy and free speach. We already go through background checks for firearm purchases which if we pass the check we are able to purchase the firearm and are confirmed as law abiding citizens.

Sensitive places is also a direct overeach by the government that would directly affect our second ammendment rights to protect ourselves outside of our home as stated in the case of Heller vs DC.

New York state rifle and pistol exchange vs Bruen also set forward the guidelines of how 2nd ammendment cases must follow the text and history. The constitution does not state that we shall not carry or bear arms in the parks or public places or gatherings. It is also hypocritical that we are unable to ecercise our 2nd ammendment rights while exercising our first ammendment rights.

Crimes against everyday people are happening everywhere. Criminals will not abide by any laws or rules set forth by our government. Therefor we have the right to protect ourselves at all times anywhere we please.

Mahalo

Kimo Galon
#### <u>SB-1230</u> Submitted on: 2/5/2023 12:15:57 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Allegra Giacchino	Individual	Support	Written Testimony Only

Comments:

I am Honolulu resident writing in strong support of SB1230.

There is no denying gun violence is a public health crisis in our country. Establishing basic requirements for issuing permits for firearms is a no-brainer. Citizens are fed up with the Second Amendment being abused by deranged people. Reviewing who is allowed to carry a gun, establishing where guns are allowed, and how guns are stored, are not only reasonable, but essential, precautions to take. We can maintain the right to own guns while adopting common sense laws such as this to protect public safety. Please support SB1230.

# <u>SB-1230</u> Submitted on: 2/5/2023 3:29:28 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier</b> Position	Testify
Robert Brem	Individual	Support	Written Testimony Only

Comments:

I fully support this bill. But it should include places of worship under sensitive locations. Just look at the number of shootings in churches and synagogues on the mainland.

PLEASE PASS THIS BILL

Mahalo

I oppose this bill as it's contrary to my second amendment right to keep and BEAR arms. I feel this bill is a waste of everyone's time and money. Bills should not be introduced and passed just because they can. It's your duty to govern in the best interest of the people in good faith. This bill was not written or submitted in good faith.

Please note that I'm unopposed to a sensible sensitive places restriction that respects my right to keep and BEAR arms.

Thank you for your attention to this.

#### <u>SB-1230</u> Submitted on: 2/5/2023 6:08:06 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Byron R Graper	Individual	Support	Written Testimony Only

Comments:

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

-who is, and is not, entitled to carry a gun in public

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

—where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

Please support this very important bill to help keep Hawaii safe.

#### <u>SB-1230</u> Submitted on: 2/5/2023 7:04:02 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	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: not seeing it 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 as we have them silently sitting on the floor 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 trellingly--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 ove the hill and gets me?" as I stared out the window. 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 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.

### <u>SB-1230</u>

Submitted on: 2/5/2023 7:28:55 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Laurie L Tanner	Testifying for Hawaii Resident, RETIRED HAWAII PUBLIC SCHOOL TEACHER	Oppose	Written Testimony Only

Comments:

I LOVE CHILDREN! THE SENSELESS MURDERS OF SCHOOL CHILDREN AND OTHERS DUE TO LAX, IRRESPONSIBLE GUN REFORM IS ON THE MORALITY OF OUR STATE AND NATIONAL POLICIES.

GUN REFORM, COMMON-SENSE, CARING GUN REFORM IT VITAL TO A CIVILIZED SOCIETY. I DO NOT WANT TO LIVE IN A WAR ZONE!! I DO NOT WANT YOUNG MEN I'VE TAUGHT AND CARED FOR TO BECOME GUN CARRIERS AS THEIR FIRST IMPULUSE TO SOLVE PROBLEMS!!

NO ON sb1230 PLEASE PROTECT ME, MY FAMILY, MY NIEGHBORS, MY SCHOOL, MY COMMUNITIES, MY STATE Why do policymakers even consider adding more weapons, making it easier to use/carry weapons, WHEN THEIR JOBS ARE TO PROTECT SOCIETY AND IMPROVE OUR IMUA FOR ONE ANOTHER?

#### <u>SB-1230</u> Submitted on: 2/5/2023 8:15:37 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Robert Douglas	Individual	Support	Written Testimony Only

Comments:

Hi, my name is Bob Douglas and I live in Hilo. I am ex-military. I'm here in support of SB1240.

I don't want to wonder whether someone is carrying a gun every time I go into a local business or when I take my family out to eat. The idea that concealed guns could be in these places makes me feel less safe in our community. Keep Hawaii Hawaii.

Besides we've all seen it or experienced road rage, public displays of anger and rage, adding guns makes no sense.

• Here in Hawaii, 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 a lot of guns in public places - which means we've had fewer risks of tense situations escalating into gunfire and fewer risks of guns being used for intimidation, or accidentally being fired, in public spaces.

• After the Supreme Court struck down a New York law that was similar to Hawaii's law, we no longer have that protective measure in place and we can expect to see more guns in more places very soon.

• Hawaii urgently needs to address this risk by passing a new Public Carry Bruen Fix law that sets 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.

• We need to require that people carrying guns in public must have been trained on the specific ypes of issues that come up when carrying a gun outside the house. 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 these 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, hospitals, public transportation, parks, or schools, but without this bill, anyone who gets a concealed carry permit can bring hidden guns into those places.

• 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.

# <u>SB-1230</u> Submitted on: 2/5/2023 8:26:02 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Elisabeth Sherman	Individual	Support	Written Testimony Only

Comments:

SB1230 establishes clear guidelines for gun safety that are essential for saving lives, for our collective kuleana, & for not allowing our beautiful aloha state to become a place people are afraid to visit.

Mahalo.

## <u>SB-1230</u>

Submitted on: 2/5/2023 8:57:59 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Ellen Caringer, Ph.D.	Individual	Support	Written Testimony Only

Comments:

Ellen R. Caringer, Ph.D.

4278C Kahili Makai St.

Kilauea, HI 96754

drcaringer@gmail.com

February 5, 2023

In Support of SB 1230

Aloha Honorable Members of the Legislature -

I am writing to voice my support for this bill. However I would also encourage that churches be included in the list of safe places, as we have had far too many instances of mass shootings in our churches, synagogues, and temples.

As a child psychologist and neuropsychologist I have encountered the horrific after-effects of gun violence in my work, and I believe it is incumbent on all of us to do what we can to limit the risks of further violence by creating these safe spaces and doing what we can to limit the availability of guns in our safe spaces. It is terribly unfortunate that the Supreme Court has forced "concealed carry" on our state, but I want to say thank you for working to create safe spaces for all of us.

Sincerely,

Ellen R. Caringer, Ph.D.

Clinical Psychologist & Neuropsychologist

<u>SB-1230</u> Submitted on: 2/5/2023 9:03:21 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
marcy katz	Individual	Support	Written Testimony Only

Comments:

I heartlfully support this bill.

Marcy Katz

#### <u>SB-1230</u> Submitted on: 2/5/2023 9:14:17 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Roberta Baker	Individual	Support	Written Testimony Only

Comments:

Public Safety and Intergovernmental and Military Affairs committe thank you for hearing this bill.

This is so IMPORTANT. and could change the lifestyle of living in Hawaii.

Please support this very important bill to help keep Hawaii safe.

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

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

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

—where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

#### <u>SB-1230</u> Submitted on: 2/5/2023 9:24:00 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Beth Anderson	Individual	Support	Written Testimony Only

Comments:

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

Who is, and is not, entitled to carry a gun in public.

Also, we need strict, definitive requirements regarding how our county chiefs of police verify people applying to carry a gun in public including requiring thorough background and mental health review.

Also, restricitions as to where people who get permits to carry guns in public can and can't bring those guns are needed. I strongly support the establishment of several categories of safe zones throughout our islands where guns are not allowed.

Statistics tell us over and over that guns in the hands of the citiizenry are not making our communities safer or stronger. As gun restrictions are decreased, gun violence goes up. The United States has dismal statistics on gun violence, the worst for Democratic, westernized nations, and it is going to get worse because of the recent Supreme Court decision. We must do all we can to stop gun violence and protect ourselves from this egregious decision by the Supreme Court.

Mahalo for considering my opinions.

#### <u>SB-1230</u> Submitted on: 2/5/2023 9:26:16 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
laurie boyle	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing to support SB1230 for the simple reason that our Aloha State of Hawai'i should lead in legislating great protections to our residents (in the wake of the Supreme Court authorizing a national open carry gun decision) in order to ensure that every one of us can feel safe in public places without having to buy guns or stay at home and keep our keiki home from school. Let us design a safe future for hawaii and keep the guns out of the hands of violent criminals, mentally unstable and children in our own homes with easy access to guns.

<u>SB-1230</u> Submitted on: 2/5/2023 9:27:52 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Scott Fong Jr	Individual	Oppose	Written Testimony Only

Comments:

I do not suppose this Bill! Please honor our 2nd amendment!!!!

### <u>SB-1230</u> Submitted on: 2/5/2023 9:29:26 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
ellen benton	Individual	Oppose	Written Testimony Only

Comments:

I urge you to oppose this bill as it goes against the Supreme Court 2022 ruling in regards to conceal carry. This ruling declared all restrictions on on the 2nd Amendment to be unconstitutional. This particular bill adds more restrictions on who can and cannot apply for a weapons permit. Placing restrictions on the 2nd amendment's right to bear arms is unconstitutional and therefore I urge you to oppose this bill!

<u>SB-1230</u> Submitted on: 2/5/2023 9:31:18 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Aimee Fung	Individual	Oppose	Written Testimony Only

Comments:

This is unconstitutional

#### <u>SB-1230</u> Submitted on: 2/5/2023 9:36:13 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Sabrina Sumner	Individual	Oppose	Remotely Via Zoom

Comments:

As a citizen of Hawai'i and United States, I believe in the US Constitution of the Second Amendment rights. My family has fought in wars to protect our freedom and rights from foreign affairs and enemies. ANY state and federal official(s) who oppose ANY Constitutional rights should never serve the PEOPLE for that is the duty in which you all swore to uphold. The second amendment is 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.** With the increase in crimes on our islands and the judicial system that has failed the people, we must protect our ohanas. Our second amendment rights are only to protect from harm coming into our homes, property, and bodily harm. It is not right for the State governor and lieutenant to have secured armed Sheriff's to protect themselves and their families, meanwhile, the community who installed those officals are involved in the criminal crime sprees causing deaths and injuries to Hawai'i citizens. By officials proposing this bill, lets the citizens of Hawai'i know that the State has no cares to defend the people but to allow criminals to attack steal and murder us and our families at all cost. Those officials who agree with this bill, your position is nulled and voided by the Constitution you swore to uphold. State officials serve the people ONLY not by how you, lobbyists, and corporate constituents want. The US Constitution is not going anywhere and we are protected by it.

### <u>SB-1230</u> Submitted on: 2/5/2023 9:48:21 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Bonnie Tokita	Individual	Support	Written Testimony Only

Comments:

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

-who is, and is not, entitled to carry a gun in public

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

-where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

I support this very important bill to help keep Hawaii safe.

#### <u>SB-1230</u> Submitted on: 2/5/2023 9:57:09 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jonathan Clay Hutchinson	Individual	Support	Written Testimony Only

Comments:

Our country is headed in the wrong direction about guns and you as elected officials in Hawaii must take action and responsibility to insure that gun ownership and carry are properly controlled and regulated. I don't think anyone other than public safety officials should be allowed to carry a concealed gun. Furthermore, we absolutely must make assault weapons illegal to own. There is no reason to have such a weapon unless the intent is to kill another person. That is what those weapons were designed to do. Please do the job that you were elected to do and stop the foolishess that is developing.

### <u>SB-1230</u> Submitted on: 2/5/2023 10:00:27 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Ryan Arakawa	Individual	Oppose	Written Testimony Only

Comments:

Almost every restriction in this bill goes against the clear guidelines set in Bruen about how legislation and courts need to view the 2nd amendment. Post Bruen many other states and cities have tried similar schemes on restricting places to carry as well as increased CCW requirements - all have failed. Stop wasting our tax dollars with legislation that is garanteed to be overturned in court.

# <u>SB-1230</u>

Submitted on: 2/5/2023 10:03:27 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
TERRY AKANA	Individual	Support	Written Testimony Only

Comments:

I have lived. in several Western states and I have ssen what open carry can allow to happen. In Northern New Mexico there was a fire-fight just like in the olden days ( and this was 2000) and one or more men died and several were injured.

# <u>SB-1230</u> Submitted on: 2/5/2023 10:13:19 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
lori loftin	Individual	Support	Written Testimony Only

Comments:

Please do not allow Hawaii to become like Texas. So far we have managed to stave off the growing tide of gun violence- but that can only continue if we pass sensible laws to keep it that way.

#### <u>SB-1230</u> Submitted on: 2/5/2023 10:20:03 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Cheryl Tanaka	Individual	Oppose	Written Testimony Only

Comments:

As a pregnant women, this bill is a automatic ban for me carrying anywhere but the sidewalk, how am I suppose to defend myself against criminals who don't obey the law. I am the first female to be issued a CCW in decades and now this bill will make it useless. I have already passed every background check and testing that HPD requires. And to make additional requirements is not needed because it is wasting time and money.

This entire bill violates the supreme court ruling and anyone who votes yes for it, the supreme court ruling does not mean anything. This entire bill is 20 plus pages of this violation. Every state that is doing sensitive places is having restraining orders from the court. This tells you that sensitive places isn't constitutional

#### <u>SB-1230</u> Submitted on: 2/5/2023 10:21:20 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Lesha Mathes	Individual	Oppose	Written Testimony Only

Comments:

This is in violation of our second amendment rights. We have a legal constitutional right to carry a firearm! This does nothing to help gun violence! The people committing gun violence are not law abiding citizens they are criminals. Criminals don't care what the law is. This only hurts law abiding citizens. Red flag laws are too easily used for nefarious reasons. We don't need your permission to carry a firearm to protect ourselves from criminals, it is already our right.

#### <u>SB-1230</u> Submitted on: 2/5/2023 10:22:20 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Robert Jensen	Individual	Support	Written Testimony Only

Comments:

It is essential to pass this bill which will set clear requirements on:

# WHO IS, AND IS NOT, ENTITLED TO CARRY A GUN IN PUBLIC

HOW OUR COUNTY CHIEFS OF POLICE CAN VERIFY PEOPLE APPLYING TO CARRY A GUN PUBLIC INCLUDING A THOROUGH BACKGROUND AND MENTAL HEALTH REVIEW

WHERE PEOPLE WHO GET PERMITS TO CARRY GUNS IN PUBLIC CAN AND CAN'T BRING THOSE GUNS

WE NEED TO KEEP HAWAII SAFE!

#### <u>SB-1230</u> Submitted on: 2/5/2023 10:22:50 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Dominic Coffey	Individual	Oppose	Written Testimony Only

#### Comments:

4 days ago a man in Mililani intentionally drove his car into a woman pushing a stroller. After hitting her he got out of his car and continued to assault her. A Good Samaritan tried to stop her but was subsequently assaulted, no body could do anything except wait for the police. When interviewed by the news, a witness said they were trying to "persuade the man to stop". How many more of these violent incidents need to occur in Hawaii? This incident reminds us that when seconds matter, the police are minutes away. Had there been a citizen present with concealed carry, maybe the aggressor could've been stopped sooner. With this bill, not only would more limitations on gun rights reduce concealed carrying citizens, more violent crime will occur in Hawaii, and the only people being able to stop the instigators will be the police who when they finally arrive, someone or multiple people could be deceased. How many criminals already follow not bringing firearms into sensitive areas aka "No firearm zones"? It seems the law abiding gun owners already follow the gun laws but criminals don't. Criminals aren't afraid of the average citizen, knowing gun laws are strict therefore it's less likely people will be armed (easy targets). The passing of this bill will only encourage more crime and actually perpetuate more gun crime in Hawaii.

<u>SB-1230</u> Submitted on: 2/5/2023 10:24:29 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Kanani Kai	Individual	Support	Written Testimony Only

Comments:

I support SB 1230

Kanani Kai

#### <u>SB-1230</u> Submitted on: 2/5/2023 10:25:42 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Benjamin Rowe	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose SB1230 in its current form and it's it's effort to further restrict eligible upstanding citizens to protect and defend themselves against situations that may arise with non law abiding citizens who choose to commit violent crimes.

the effort of this bill will further strengthen criminal activity and reduce safety as a society. The current protocols and screening processes in place are already thorough and restrictive and background checks including mental health evaluations do a adequate job to vet the individuals who apply for firearms permits as part of there second amendment right. Our rules and requirements are already much greater than most states

further the proposed bill and additional restrictions will be legally challenged and based on hi court rulings likely be overturned. Knowing this end result is probable law makers should take other measures to propose and pass laws that are more Punative towards criminals and criminal behavior involving firearms.

if the intent of this bill is to enhance safety of the community, law makers should really take a better look at historical data both here in Hawaii and in comparable states and utilize better direction to achieve a safer Hawaii.

Hawaii crime statistics do not support the knee jerk direction this bill attempts to steer gun control.

I agree that there is a need to structure the inevitable direction of concealed carry firearms however layering restrictions and penalties that over reach the intent and VALUE. That having trained responsible persons carrying firearms for self protection and protection of others in extreme life or death situations is a terrible idea.

I ask you to think about this much more and do not dig your heels in on a specific goal of gun restrictions without considering the overall goal of public safety. The best results are usually when collective input is considered by all parties and then collaborative structured rules are offered for consideration. Further these heavily affecting proposed rules should be prominently distributed to all community persons rattler than quietly guided through the system. I believe this to be a good idea for all proposed measures. Having an educated society who's is aware of proposed directions will lead to a best case scenario.

respectfully,

Ben Rowe

#### <u>SB-1230</u> Submitted on: 2/5/2023 10:26:26 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Gaye Chan	Individual	Support	Written Testimony Only

Comments:

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

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

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

—where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

# <u>SB-1230</u> Submitted on: 2/5/2023 10:34:04 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Suzanne Jensen	Individual	Support	Written Testimony Only

Comments:

# PLEASE SUPPORT THIS VERY IMPORTANT BILL TO HELP KEEP HAWAII SAFE!

Sb 1230 establishes a strong framework to accomplish this

# <u>SB-1230</u> Submitted on: 2/5/2023 10:38:33 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier</b> Position	Testify
Joe OMealy	Individual	Support	Written Testimony Only

Comments:

I strongly support SB1230. It seems to me an essential check on the multiple dangers that unregulated gun carry brings with it. Please consider this bill as if your life, and the lives of those you love, depended on it. It just might.

### <u>SB-1230</u> Submitted on: 2/5/2023 10:42:50 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Nicole LeClaire	Individual	Oppose	Written Testimony Only

Comments:

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.

#### <u>SB-1230</u> Submitted on: 2/5/2023 10:43:22 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier</b> Position	Testify
Vanessa Ruderman	Individual	Support	Written Testimony Only

Comments:

Hello,

Thank you for taking the time to hear my testimony in favor of SB 1230.

I strongly feel that 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. As a member of the public, I feel like we citizens should and can rely on our law enforcement agency to help keep everyone safe. I don't understand when that logic shifted, and we started believing that citizens could obtain a permit to conceal carry, but it has according to SCOTUS's decision on Bruen. Therefore, Hawai'I, which has been a state with strong gun legislation, needs to act to uphold the protections we were previously ensured. Passage of SB 1230 will help by requiring this system of granting permits to people to conceal carry should be most thoughtfully implemented so that there is a standard and thorough process of review.

Now in our state, not only do citizens need to be concerned about encountering guns in public, but it is probable that law enforcement officers will more frequently encounter people with concealed guns. The probability of people with concealed carry guns undermining police officers also increases. Without a thorough and standard evaluation in the permitting process, not only will the public be less safe, so too will the officers trying to enforce laws.

We also have to factor the multitude of issues in our current times. People have experienced the covid-19 pandemic, inflation, climate change, increasing energy issues, housing shortages, food insecurity, political polarization and/or mental health challenges including trauma from gun violence. These problems are not aided with the increase of concealed carry. If anything, people may experience a heightened agitated or emotional states, and do not need to have concealed guns available in an instant on their person.
The Violence Project, which conducted researched and interviewed perpetrators of school shootings, showed that perpetrators possess some of these commonalities: a history of childhood trauma, an identifiable crisis point, a script to follow, someone to blame and an opportunity. Unfortunately, perpetrators have too many blueprints to follow these days, Columbine being the most popular, but we can limit or reduce immediate access to guns. In limiting or reducing opportunity as **SB 1230** could do by making sure local law enforcement agency has a standard permitting process, requiring that guns be stored safely in cars, or reducing access to a gun concealed on one's person, then the public would be better served and protected.

In the past, we have made efforts to decrease suicide rates by changing medication packaging from a bottle of pills to a blister pack of pills—the latter requiring a person needing to pop each pill out. This effort of making the process of taking a handful of pills seconds longer drastically cut paracetamol deaths by 43%. We, too, can and should slow the process by limiting a person's immediate access to a concealed gun. Too often we are stirred up, agitated, or angered, only to find that we need to take time to calm down. Therefore, what situations determine that a person can conceal carry needs clear and standard scrutiny. 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, churches without worrying about confronting an agitated person with a concealed gun. Our highly trained military have strict rules for gun ownership and storage on bases. We, too, need strong rules for concealed gun permits and gun storage.

I have told you about the need to carefully regulate permits for conceal carry from a public health perspective. Yet the heart of the matter is that gun violence strikes the core of every parent who has read about gun violence shootings at Columbine, Colorado; Flint, Michigan; Lake Worth, Florida; Seattle, Washington; Fayetteville, Arkansas; New Orleans; Louisiana; San Diego, California; Santee, California; Williamsport, Pennsylvania; El Cajon, California; Gary, Indiana; Parkland, Washington; New York City, New York; Grundy, Virginia; Milwaukee, Wisconsin, Bowie, Maryland; Tucson, Arizona; Jersey City, New Jersey; Washington, D.C.; New Orleans, Lousiana; Red Lion; Pennsylvania; Cleavland, Ohio; Cold Spring, Minnesota; Washington, D.C.; East Greenbush, New York; Randallstown, Maryland; Chicago, Illinois; Dover, Tennessee; Red Lake, Minnesota; Newark, New Jersey; Jacksboro, Tennessee; Chicago, Illinois; Roseburg, Oregon; Reno, Nevada; Essex, Junction, Vermont; Hillborough, North Carolina; Shepherdstown, Virgina; Pittsburg, Pennsylvania; Washington, D.C.; Bailey, Colorado; Cazenovia, Wisconsin; Nickel Mines, Pennsylvania; Joplin, Missouri; Tacoma, Washington; Compton, California; etc.

The list which includes school shootings from 2000-March of 2007 is too long, I have stopped typing at March of 2007. I have typed this up all by hand. It was not a copy and pasted, because I

fear looking this information up on my laptop and then my computer algorithms generating related stories and ads when my child is using my computer.

I also speak to you from the perspective of a parent. As such, my role is to protect my child not from the minor incidents and accidents that are involved with growing up, but to keep him alive and safe from guns. With more people now eligible to get permits to carry guns in public, we need to set clear boundaries on where they can and cannot bring those guns. Guns 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. How do I respond to my child when he sees an armed citizen that is not a police officer, or what do I say to him when the school goes into a lockdown scenario? If my true duty is to protect my son's life, then does this mean that parents should all become armed? Does that really make our society safer, and help ease the anxieties of parents and children? Are we devolving into a situation where we are taken back to the wild west?

In closing, I want to thank you for your time and reiterate that I implore you to pass SB 1230.

#### <u>SB-1230</u> Submitted on: 2/5/2023 10:45:33 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Cheryl Bellamy	Individual	Support	Written Testimony Only

Comments:

I Support This Bill

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set very clear requirements on:

1. who is, and is not, entitled to carry a gun in public

2. how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

3. where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

Please support this very important bill to help keep the people of Hawaii safe.

## <u>SB-1230</u> Submitted on: 2/5/2023 10:56:57 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Ted Bohlen	Individual	Support	Written Testimony Only

Comments:

I support these reasonable restrictions to protect the community in public places.

## <u>SB-1230</u> Submitted on: 2/5/2023 10:58:07 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Greg and Pat Farstrup	Individual	Support	Written Testimony Only

Comments:

What is the effect of dangerous open carry gun laws on keeping people from applying to be police officers because they have concerns for their safety?

### <u>SB-1230</u> Submitted on: 2/5/2023 10:59:46 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Janet H. Boyd	Individual	Support	Written Testimony Only

Comments:

Gun control is needed. Please do not allow Hawaii to be like the mainland; gun happy death prone. Guns should be controlled. We are a state that can do that, some states try, but being connected to other states do not have the protection.

Control the access to Guns

Thank you,

Dr. Janet Boyd

#### <u>SB-1230</u> Submitted on: 2/5/2023 11:03:28 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Kalani Kiyan	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1230 on the grounds of it violates my 2nd amendment."The right to bear arms." We already have one of the strictest gun laws in the nation. To obtain a firearm you already have to go through a criminal background check. And must wait in compliance while being reviewed. This bill only furthermore makes obtaining a firearm more complicated and it's unfair to be scrutinized so intensely for any law abiding citizen. By being a taxpayer, obeying the law and upholding my constitutional rights, I believe this violates my right as a citizen. I also believe that the amount of money it will take to generate these extensive checks and audits could be used elsewhere in the community instead of dissecting the characters of individuals to further decide if they are capable of owning or carrying a firearm. Every person who owns a firearm legally knows the responsibility and dangers that come with it. And GUN EDUCATION should be more heavily invested in the State Capital and Senate hearings...Not GUN CONTROL.

<u>SB-1230</u> Submitted on: 2/5/2023 11:11:20 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Tim Harvey	Individual	Support	Written Testimony Only

Comments:

I support this bill

## <u>SB-1230</u> Submitted on: 2/5/2023 11:13:32 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Susan Salm	Individual	Support	Written Testimony Only

Comments:

Safety must be paramount for the general public. Any controls on issuing gun permits must be in place.

### <u>SB-1230</u> Submitted on: 2/5/2023 11:19:33 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Stephen T Hazam	Individual	Oppose	Written Testimony Only

Comments:

Please OPPOSE SB 1230. AS written this is both vague and subjective and does not meet the requrements or gudelines recently isued by the US Supreme Court. This bill is clearly an infringement upon our Second Amendment Rights, that are recognized a priori and guaranteed by the US Constitution.

Please OPPOSE SB 1230

## <u>SB-1230</u> Submitted on: 2/5/2023 11:19:52 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Laura Friedman	Individual	Support	Written Testimony Only

Comments:

I support this bill. It is important to provice clear limits to carrying concealed weapons in Hawaii.

### <u>SB-1230</u> Submitted on: 2/5/2023 11:27:29 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Diamond Piimoku	Individual	Oppose	Written Testimony Only

Comments:

I am a law abiding citizen. The 2nd Amendment protects my right to carry a firearm to protect my family and myself. Bills like this restrict my rights, constitutionally. It is your responsibility to uphold these amendments and encourage your citizens to protect themselves and their families from criminals who will access firearms legally or illegally. I STRONGLY OPPOSE SB1230.

#### <u>SB-1230</u> Submitted on: 2/5/2023 11:30:35 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jared Wickware	Individual	Support	Written Testimony Only

Comments:

I believe that "concealed carry" is a peculiar option sought by a distinct and distracted minority of our citizens.

Such a minority, along with special interest players, on this and other issues, has managed to weaponize our Constitution and the Supreme Court in order to establish minority rule in the face of common sennse and the greater societal good. Common sense, our best judgement, suggests that the rise in gun violence as an everyday norm will be made worse by the furrther exaltation and proliferation of weaponry. My relationships with fellow citizens will surely change, knowing or not knowing that they are the potential harbingers of deadly force; that the playing field is no longer level or equal. I will feel less safe knowing that my neighbor is at all times locked and loaded.

As a career military person, I am not unfamiliar with guns. I have owed a gun in the past. I have admired the beauty and technology of some of these instruments as worthy collectibles. Since my retirement in 2003, I have found many wonderful and creative ways to feel personally empowered and self-confident that have nothing to do guns. I feel sorry for those who feel they need to carry around weapons in order to feel safe, or feel good about themselves, and hope they can find other ways to be fulfilled. Meanwhile I am speaking out against a minority preoccupation and anomaly being imposed upon the rest of us.

I stongly support this bill

## <u>SB-1230</u> Submitted on: 2/5/2023 11:34:09 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Dalton Borge	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I as law abiding citizen opposed SB 1230. My 2A rights should no longer be suppressed under threat of never being able to lawfully enjoy my freedoms written in the constitution without becoming a criminal.

#### <u>SB-1230</u> Submitted on: 2/5/2023 11:37:22 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Nozomu Yamauchi	Individual	Support	Written Testimony Only

Comments:

As a small business owner in Kaimuki, where I also live with my family, I am very concerned ahout public carry. I appreciate legislators making business owners who want guns on their premises make signs to allow it, versus making the majority of us who don't want them make signs saying we want to keep guns out.

It's also uncomfortable for us to have to train staff to have to tell people they have to leave if they have a gun and deal with the possible angry responses. I hate that we have to even have these conversations now because of the Supreme Court's recent decision.

We don't need more burdens placed on small business owners, especially right now.

Thank you for your support of this bill and for the opportunity to testify.

Nozomu Yamauchi, Kaimuki

## <u>SB-1230</u> Submitted on: 2/5/2023 11:38:09 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Julie King	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as it is repugnant to the Constitution, a clear violation of our second amendment rights.

### <u>SB-1230</u> Submitted on: 2/5/2023 11:38:54 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
William Lono	Individual	Oppose	Written Testimony Only

Comments:

I *oppose* bill **SB1230**. Bills like this one restricts my rights as an American Citizen and is **UNCONSTITUTIONAL**. This very same bill only empowers criminals to have the upper hand on law-abiding citizens like myself. *The 2nd Amendment protects my rights as an American Citizen to carry a firearm so that I may protect myself and my family from criminals*.

#### <u>SB-1230</u> Submitted on: 2/5/2023 11:47:42 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Debra Pfaltzgraff	Individual	Support	Written Testimony Only

Comments:

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

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

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

—where people who get permits to carry guns in public can and can't bring those guns.

As a retired DOE teacher, I want to make sure that firearms are never near our schools. With the open buildings at most of our schools, there is no way to really secure our classrooms. SB 1230 establishes a strong framework to protect ouir keiki.

Please support this very important bill to help keep Hawaii safe.

## <u>SB-1230</u> Submitted on: 2/5/2023 12:05:17 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jacqueline Pascual	Individual	Oppose	Written Testimony Only

Comments:

AS AN AMERICAN CITIZEN AND HAWAII RESIDENT, I OPPOSE THIS BILL (SB1230).

<u>SB-1230</u> Submitted on: 2/5/2023 12:07:28 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
James Waddington	Individual	Support	Written Testimony Only

Comments:

I SUPPORT this bill! Thank you.

#### <u>SB-1230</u> Submitted on: 2/5/2023 12:08:45 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Patti Cook	Individual	Support	Written Testimony Only

Comments:

Alona Senators:

I support immediate legislative action including SB1230 to strengthen Hawai'i's gun safety laws – more so due to the recent Supreme Court decision re: concealed carry, which seriously erodes public safety here in Hawai'i.

We are the ALOHA STATE and concealed carry is diametrically contrary to what ALOHA means and how we interact with each other in virtually all settings.

We urgently need clear guidelines spelled out in statewide law about who is, and who is not entitled to carry a gun in public, how our County police chiefs must conduct background checks including mental health screenings to be permitted to carry a gun in public, and WHERE people with the appropriate permit can bring their guns.

Please pass SB1230 and other measures that appropriately balance essential public safety and confidence with 2nd Amendment rights. Too often the 2nd Amendment is being misconstrued or misrepresented - even by the current Supreme Court.

MAHALO for your time and focus on this critical issue for the safety of all of us.

Patti Cook

Waimea, Island of Hawai'i

### <u>SB-1230</u> Submitted on: 2/5/2023 12:08:53 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Ashley de Coligny	Individual	Support	Written Testimony Only

Comments: Aloha, I am writing in strong support of SB1230. As an Oahu resident and mother of two, I know many parents and children who are deeply concerned about expanding gun access in Hawaii. We strongly support these common sense rules and restrictions to keep our children, families, and communities safe. Thank you.

## <u>SB-1230</u> Submitted on: 2/5/2023 12:11:17 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jennifer Cabjuan	Individual	Oppose	Written Testimony Only

Comments:

As a citizen of Hawaii I implore you to adhere to the US Constitution, uphold your oath and OPPOSE this bill!!!

Mahalo & God bless!!

#### <u>SB-1230</u> Submitted on: 2/5/2023 12:17:07 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Marya Grambs	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of this legislation. Allowing people to carry guns does not make us safer. Please limit the number of places guns can be carried - as many as you can - and make sure there is a comprehensive background check and investigation as to any "red flags." It's absurd that the Supreme Court has made this decision, even going back to when they decided that the Second Amendment for a "well-regulated militia" meant everybody could have guns. That's ridiculous. You would think people have figured out that now that we have more guns than people in this country (literally), and we have a mass shooting every other week, more guns do not make us safe, but make America a much more dangerous place. I've been fighting for gun control for more than 40 years and it's more than devastating that our country has moved in this direction.

Thanks and please support this bill.

# <u>SB-1230</u> Submitted on: 2/5/2023 12:22:01 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Doris Segal Matsunaga	Individual	Support	Written Testimony Only

Comments:

Please support this critical bill to keep Hawaii safe!

### <u>SB-1230</u> Submitted on: 2/5/2023 12:25:04 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Victor Muh	Individual	Oppose	Written Testimony Only

Comments:

What you are proposing is unconstitutional! What part of 'shall not be infringed' do you not understand? Courts around our great nation have already deemed what you're proposing unconstitutional, yet you insist on wasting time and out tax money on these frivolous pursuits.

## <u>SB-1230</u> Submitted on: 2/5/2023 12:25:54 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
David Ruiz	Individual	Oppose	Written Testimony Only

Comments:

Quit infringing on our 2a! Criminals don't follow the law, this will only hurt law-abiding citizens.

#### <u>SB-1230</u> Submitted on: 2/5/2023 12:36:22 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Keith Neal	Individual	Support	Written Testimony Only

Comments:

Support.

It is essential to pass a bill which will set clear requirements to protect public safety:

Such as:

- Whom is, and is not, entitled to carry a gun in public. For example; prohibiting convicted felons and those with history of violence.
- How county police departments may verify and monitor people applying to carry a gun in public including a thorough background. mental health review and regular monitoring of dangerous behavior.
- Rules regarding 'No Go' locations such as schools, restaurants/bars, as locations where no guns are allowed.
- Strong penalties for Gun Safety rules violations.

#### <u>SB-1230</u> Submitted on: 2/5/2023 12:37:59 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Cheryl Ho	Individual	Support	Written Testimony Only

Comments:

I strongly support SB1230 in 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.

Preparation for potential dangerous situations is one critical need. It is a sad commentary on the reality of our community's life, when the public schools that my grandchildren attend, in Ewa Beach, Mānoa, and Makiki, require all students to participate in lockdown drills, to prepare for potential "active shooter" events. These drills are critical, however, to safeguard the lives of students, teachers, and staff.

Pro-active measures are much more critical and effective . We need the diligent exercise of caution and scrutiny by trained officials who are charged with issuing permits.

To this end, I urge you, members of the committee, to vote to move this bill on through the law-making process,- with modifications as might be necessary, - with the end goal of minimizing the risk of firearms being carried by individuals whose chronic or occasional emotional state or judgement is impaired. In addition, exact specifications and inspections/penalties must be maintained in securing the weapon in the home or workplace, whenever there is no honorable plan to use it.

Sincerely,

Cheryl Ogawa Ho, Nuuanu

#### <u>SB-1230</u> Submitted on: 2/5/2023 12:44:41 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Brent Uemae	Individual	Oppose	Written Testimony Only

### Comments:

I am writing in opposition of SB 1230 as most of it goes against the recent SCOTUS decision in NYSRPA v Bruen. The SCOTUS decision states how laws and court decisions should be decided which should be based on text, history, and tradition which most of SB1230 does not meet. A few items from SB 1230 that I would like to touch upon are below.

The sensitive places restriction is too broad and also restricts some locations where people are likely to feel/be vulnerable.

- Public parks There are many violent incidences that occur at parks and beaches. It doesn't take much to find news articles of assaults at these locations by doing a Google search with the words "Hawaii", "park", "assault".
- Bars and restaurants serving alcohol There are many people that do not consume alcohol at restaurants or even bars. People may be patrons of these establishments for the purposes of enjoying a simple meal or they could be a designated driver for others in their party.
- Financial institutions Customers are usually at financial institutions for the common purpose of financial transactions. Many crimes are committed with the criminal expecting financial gains as a result of their actions. People should be able to protect themselves at these locations where criminals have one of the biggest motivators.

The requirement of a concealed weapon license applicant to provide references of no less than four reputable persons and to list the occupants of their residence.

- This creates a situation where the applicant no longer has the option of keeping their firearm ownership/possession a private matter. They are now being forced to reveal their firearms ownership and intent to carry to others.
- This also leads to burdening the references and police department resources with the requirement for them to conduct interviews. Maui Police Department's current application response time is already taking near 120 days. Adding the responsibility on them to conduct interviews could stretch their resources thin and also create lengthier wait times which is an issue that was mentioned in the NYSRPA v Bruen SCOTUS decision. The SCOTUS decision struck down the "may issue" subjective requirement. Basing license approvals on interviews would just introduce another subjective requirement in its place.

• Applicants should not have to list the occupants of their residence. It is an invasion of privacy unless there is reason to believe that the occupants are residing there unlawfully. Contact information for other occupants should not matter since they are not the applicant and they should not have background checks conducted on them.

### <u>SB-1230</u> Submitted on: 2/5/2023 12:48:15 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Mary Babcock	Individual	Support	Written Testimony Only

Comments:

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

-who is, and is not, entitled to carry a gun in public

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

—where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

#### <u>SB-1230</u> Submitted on: 2/5/2023 12:49:39 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Michael A. Wee	Individual	Oppose	Written Testimony Only

Comments:

I strongly OPPOSE SB1230 as written. The extensive list of "sensitive places" to prohibit concealed carry is comprised of all the common places where people gather for normal activities. The restrictions only create gun-free zones that criminals would exploit. The law-abiding citizen would have no means of self defense. Criminals don't follow laws and are going to take their weapons wherever they want. These restrictions only enable criminal behavior.

#### <u>SB-1230</u> Submitted on: 2/5/2023 12:52:35 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Ronald "Ron" Reilly	Individual	Support	Written Testimony Only

Comments:

Dear Senator Wakia and Members of the Public Safety and Intergovernmental and Military Affairs Committee,

I appreciate Hawaii's strict gun laws.

However, since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

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

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

-where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

Please support this very important bill to help keep Hawaii safe.

Sincerely, Ron Reilly

## <u>SB-1230</u> Submitted on: 2/5/2023 12:59:12 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
sally kubo	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because it is unconstitutional and will cost tax payer's money in legal fees if temporary passed before eventually overturn

<u>SB-1230</u> Submitted on: 2/5/2023 12:59:23 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Dr. Faith Joyner	Individual	Support	Written Testimony Only

Comments:

I support this bill. Mahalo for your consideration.
# <u>SB-1230</u> Submitted on: 2/5/2023 1:00:00 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Gary Robinson	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE this proposed bill because it is not consistent with U.S. Supreme Court opinion in NYSRPA v. BRUEN, 2022.

Citizens who want to concealed carry are willing to comply with applicable laws because they tend to be responsible gun owners. Compare this to criminals who are already illegally carrying firearms today, regardless of this or any other bill/law prohibiting their activities. In summary, this bill brings undue infringement on those who are wanting to exercise their constitutional rights, and willing to work with reasonable regulations.

Specific objections are noted below.

1) The bill restricts issuing permits to persons deemed to lack the essential character or temperament necessary to be entrusted with a firearm. This requirement is vague and subjective, subject to the whims of guidance provided by the attorney general, and not consistent with historical tradition for setting boundaries for gun ownership or use.

2) The bill restricts the ability of a concealed permit holder to carry a firearm on public transportation. This imposes an undue restriction on someone who wishes to be able to defend themselves, is able to carry at their place of work, and must use public transportation to go back and forth from home to work.

3) The requirement to have four character references is not consistent with historical tradition for setting boundaries for gun ownership or use. This is also intrusive for a concealed carry applicant who may not want others to know that they choose to exercise the ability to carry.

# <u>SB-1230</u> Submitted on: 2/5/2023 1:08:00 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Michael	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because it is unconstututional and will cost tax payer's money in legal fees if temporary passed before eventually overturn.

# <u>SB-1230</u> Submitted on: 2/5/2023 1:13:09 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Manahel Al-hozail	Individual	Oppose	Written Testimony Only

Comments:

There are already constitutional rights to bare arms. More restrictions are not necessary. Criminals do not follow the law and it is not fair to continue to ounish law abiding Citizens.

focus on making unlawful firearms a more serious crime and more jail time.

# <u>SB-1230</u> Submitted on: 2/5/2023 1:15:37 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Nancy Marker	Individual	Support	Written Testimony Only

Comments:

Dear Committee Chair and Members,

I support this bill which that would define clear requirements for how the counties will determine who can carry a gun in public and designate sensiive areas where people cannot carry concealed guns.

SB 1230 establishes a strong framework to protect the public health and safety of our citizens.

Thank you for your consideration.

Sincerely,

Nancy Marker

# <u>SB-1230</u> Submitted on: 2/5/2023 1:25:08 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Rob Mihada	Individual	Oppose	Written Testimony Only

Comments:

1 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 vour responsibility to encourage vour citizens to protect themselves and their community.

Unless your goal is to make your citizens victims.

# <u>SB-1230</u> Submitted on: 2/5/2023 1:29:46 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Tish Rothwell	Individual	Oppose	Written Testimony Only

Comments:

Please do not allow this unconstitutional bill to gain any ground. We all know what happens when governments disarm its people. Know your history and protect our American Constitutional second amendment right.

# <u>SB-1230</u> Submitted on: 2/5/2023 1:29:47 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Bennett Cale	Individual	Support	Written Testimony Only

Comments:

Honorable committee members,

Thank you for considering supporting SB1230. As a longtime resident of Upcountry Maui and small business owner with two kids born and raised here, I am greatly appreciative of Hawaii's strong gun laws. As you know, Hawaii has among the strongest gun laws, as well as the lowest gun violence, in the Nation.

I urge you to support the passage of SB1230. The national tragedy of gun violence is not something we want emerging on our shores. Furthermore, your leadership in this area is important in the national debate about what effective gun legislation looks like, so that other States might be encouraged to follow our example. Perhaps someday, your leadership on this issue will finally turn the tide of our nation-wide scourge of gun violence.

Thank you again for your work on this issue and for considering my request to support SB1230.

Best regards,

Bennett Cale

Kula, Hawaii

808.268.5068

# <u>SB-1230</u> Submitted on: 2/5/2023 1:30:57 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
francine less	Individual	Support	Written Testimony Only

Comments:

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

-who is, and is not, entitled to carry a gun in public

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

-where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

Please support this very important bill to help keep Hawaii safe.

# <u>SB-1230</u> Submitted on: 2/5/2023 1:35:13 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Gabrielle Anderman	Individual	Support	Written Testimony Only

Comments:

Honorable committee members,

Thank you for considering supporting SB1230. As a Mom with kids living in Hawaii, I am greatly appreciative of Hawaii's strong gun laws. As you know, Hawaii has among the strongest gun laws, as well as the lowest gun violence, in our nation.

Please support the passage of SB1230. The national tragedy of gun violence is not something we want emerging here in Hawaii. Furthermore, your leadership in this area is important in the national debate about what effective gun legislation looks like, so that other States might be encouraged to follow our example. Perhaps someday, your leadership on this issue will finally turn the tide of our nation-wide scourge of gun violence.

Thank you again for your work on this issue and for considering my request to support SB1230.

Best regards,

Gabrielle Anderman

# <u>SB-1230</u> Submitted on: 2/5/2023 1:36:45 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
karolle t. bidgood	Individual	Support	Written Testimony Only

Comments:

Now that the Supreme Court has decided that Hawaii must allow people to carry concealed guns, it is essential to pass SB1230. This bill sets up clear requirements for the following:

1. who is (and who is not) entitled to carry a concealed gun in public

2. how our county chiefs of police can verify people applying for permits to carry guns in public; this includes a thorough background and mental health review

3. where people who obtain permits to carry guns in public can and cannot bring those guns

SB1230 establishes a strong framework to accomplish this.

Please support this very important bill to help keep Hawaii safe.

Thank you.

# <u>SB-1230</u> Submitted on: 2/5/2023 1:40:25 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Eric Tash	Individual	Support	Written Testimony Only

Comments:

The Honorable Glenn Wakai, Chair, Brandon Elefante, Vice Chair and Members of the Public Safety and Intergovernmental and Military Affairs Committee,

My wife and I strongly support the passage of SB 1230.

The Supreme Court has unfortunately ruled that Hawaii's may-issue concealed carry law is unconstitutional. The Court now requires that Hawaii issue permits for people who want to carry concealed firearms in public. Now more than ever it is critical to pass SB 1230, which will set a framework and clear requirements on:

- Who is, and is not, entitled to carry a gun in public
- How our county chiefs of police can verify people applying to carry a gun in public including a thorough background check and mental health review
- Where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this and help keep Hawaii safe.

We urge you to support this very important bill which is reasonable and good public policy, and will help protect Hawaii's people.

Mahalo,

Eric Tash and Renee Iijima

# <u>SB-1230</u> Submitted on: 2/5/2023 1:40:45 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Kualii Makaneole	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB1230, which would not serve the rights and restricts everyday concealed carry permitted persons from self-protection.

# <u>SB-1230</u> Submitted on: 2/5/2023 1:41:49 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Constance Fay	Individual	Support	Written Testimony Only

Comments:

Dear Fellow Hawaiian citizens,

This bill is essential for continuing our good safety record regarding the carrying of firearms in public.

I agree with all of the provisions of SB1230.

The tragedy at the Boy Scout Camp several miles from where I live, where the inadvertent but illegal presence of a loaded gun resulted in the death of a child, illustrates the kind of incident that can occur when too many guns are allowed in public.

I don't want to read in the news, or worse, experience or have any members of my family and community experience the tragedies that occur so frequently in America when guns are unregulated.

Please support and pass SB1230.

Aloha,

Constance Fay

# <u>SB-1230</u> Submitted on: 2/5/2023 1:43:50 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Stephanie Hall Morin	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this bill. It appears that most deaths from firearms are accidental. Taking the time to ensure people carrying firearms are responsible citizens and are trained to keep the firearms safe is absolutely essential for our community's safety.

Mahalo,

Stephanie Hall Morin

# <u>SB-1230</u> Submitted on: 2/5/2023 1:44:27 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Likeke	Individual	Oppose	Written Testimony Only

Comments:

Aloha all

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 right as an American citizen bills like this actively restrict my right and the rights of all Americans these laws empower and encourage criminals as well as criminal activities The average police response time can be anywhere from 3 minutes to 15 minutes by that time I could be beaten or killed do not restrict my ability to protect myself or my family or my property it is your responsibility to encourage your citizens to protect themselves and their community unless your Go to make your citizens

# <u>SB-1230</u> Submitted on: 2/5/2023 1:45:32 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	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.

# <u>SB-1230</u> Submitted on: 2/5/2023 1:45:44 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Mary True	Individual	Support	Written Testimony Only

Comments:

I strongly support SB1230. As a retired mental health professional, I worry about many of the people who would chose to carry in Hawaii. Some, definitely not all of course, want a gun on them all the time because of paranoid tendencies. It is also noticeable, since the beginning of the pandemic, that people are wound a little more tightly. it's much better that these people don't have instant access to a gun. There needs to be enough time to create a pause where rational thinking can gain the upperhand.

Thanks for your time, Mary True, Pepeekeo

# <u>SB-1230</u> Submitted on: 2/5/2023 1:48:23 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Franny Yep, MD	Individual	Support	Written Testimony Only

Comments:

As a physician, I have seen firsthand how gun violence destroy people's lives and the peace in a community. We need good gun sense laws such as <u>SB1230</u>. We need clear boundaries on where someone can and can't bring those guns, like not at schools or healthcare facilities. I still remember an emergency room doctor who was gunned down in the waiting area. We also need clear permitting requirements before someone is allowed to carry a gun in public. No one charged with domestic violence or under a restraining order should be permitted to carry a gun in public. This would greatly reduce the murder of women (the majority are killed by their partners). With this bill, you could save far more lives than I could ever do as a doctor. Thank you for your kokua.

# TESTIMONY OF SUSAN LI IN SUPPORT OF SB 1230 RELATING TO FIREARMS

# SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

# February 6, 2023

Chair Wakai, Vice Chair Elefante, and members of the Committee:

My name is Susan Li and I submit this testimony in support of SB 1230 Relating to Firearms.

I am the mother of two adult children who grew up in Honolulu. They attended schools here, visited the zoo and aquarium, played in parks, ate in restaurants, and went to stores and other places of business – all without my having to worry that their safety could be endangered by someone carrying a concealed firearm. Guns don't belong in any of these places where children play, learn, and carry out other activities. This bill will help to protect our young people from firearms in places where the risk of harm is particularly high.

The bill takes a common-sense approach by prohibiting guns in bars and restaurants where alcohol is served and where there is a high risk of reckless or intentional shootings, as well as in places where members of the public congregate, such as places of transportation.

The bill also sets forth reasonable requirements for the issuance of permits to acquire firearms, which will help to protect the safety of the public.

For these reasons, I urge the passage of SB 1230.

Thank you for the opportunity to submit testimony.

Susan Li

# <u>SB-1230</u> Submitted on: 2/5/2023 1:53:34 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
stephanie stearns	Individual	Support	Written Testimony Only

# Comments:

Aloha! I retired to Hawaii for many reasons but chief among them is that I consider Hawaii the safest state in the union...especially when it comes to gun violence! Mass shootings seem rampant on the Mainland. Nobody in Hawaii hunts with a semi automatic weapon. In fact many go wild pig hunting with just dogs and a knife. Please keep Hawaii safe from mass slaughters in every way possible. This is a real concern to me personally as well as many of my fellow kupuna! The more regulated gun ownership is the better. We need a drivers license showing we at least know the basics of safe driving before we can get behind the wheel of a car. Should folks be running around with loaded guns without at least gun safety training? People with a violent history or mental illness should not be allowed to own or carry guns Anyone wanting a concealed weapon permit should have a VERY good reason to need one. . Please help to keep Hawaii safe from gun violence! The fewer guns in the hands of untrained people the better. In fact other than law e find the military, we'd all be safer without guns, in my opinion. Please put rules in place to restrict gun ownership as much as possible.

Mahalo for your service.

Stephanie Stearns

President. Waikoloa Senior Center

# <u>SB-1230</u> Submitted on: 2/5/2023 2:01:45 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
L Flournoy	Individual	Support	Written Testimony Only

Comments:

I support stricter, rather than laxer, regulations; as this goes thru editing.

# First point: Please include requirements to keep ammo separate from weapon.

I am uncomfortable with a few vague sentences:

**S134-A(d)**: Except in the sensitive locations specified in (l) and (2) of subsection (h), a licensee shall not be in violation of this section while they are traveling along a public right—of—way that **\*TOUCHES OR CROSSES\*** any of the sensitive locations identified in subsection (h) if the concealed firearm is carried on their person or is being transported in a vehicle Qy the licensee in accordance with all other applicable laws;

"Touches or Crosses" is too vague. "Touches" leaves it open for someone to travel continuously or sporadically or repeatedly along an edge looking for opportunities. "Crosses" could mean not only to cross a street, but also to cross an extended distance, again, looking for opportunities.

Please define more concisely, looking for other possible loopholes. Please consider requiring minimum distances possible be determined and obeyed by the weapon carrier. Or some such.

(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 further 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.''*Walk Through'' ''In Order to Access'' is, again, disturbingly vague.* 

One could choose to park/enter at the furthest distance from their needed Access, again, to look for opportunities. Please choose language to minimize risks.

And now Back to (c)(3), because it is harder to nail down the issue:

(c)(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.

"Transport" "in the immediate area" "only for the purpose..."

I am inundated in my mind with ways to cheat this one; and frankly cannot imagine what exception someone was asking for. This needs to be made VERY specific:

- distances and times (from/to point of origin to/from vehicle; what is allowed vis-a-vis freedom of weapon from container to container, say),

- HOW the weapon is moved,

- in what condition (unloaded, separate from ammo, in a container of its own, etc.),

- HOW the transfer may be made and

- BY WHOM;

- are there event-/location-specific requirements that may by specified to apply temporarily; - upon whom shall rest the responsibility for KNOWING about temporary an permanent restrictions;

- Whew, etc., etc...

Please do some brainstorming on each section, from the POV of someone who would like to get away with harming others...

(g): Any person violating subsection (a) shall be **\*guilty of a misdemeanor\***, subject to revocation of their license to carry a concealed firearm under section 134—13, and disqualified from renewing their license to carry a concealed firearm under section 134—9.

I would like to see increasingly stricter penalties for 2nd or 3rd offenses, including jail and fines. If a person does this a third time (or more), especially in a repeat/similar location, this should trigger a Red Flag to Law Enforcement and FBI, and be upgraded to Felony Threat, or something.

Thank you for adding (h)(18). Please do not let it be watered down.

**§l34-B:** Annual report on licenses to carry.

(a): By April l, 2024, and each year thereafter, the attorney general shall publish a report on its publicly available website detailing: (l) 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;

"*§134-B: (a)*" does not appear to create any data linkages between the information in (l), etc., and any FUTURE FAILURES OF THIS LAW TO STOP SHOOTINGS.

PLEASE CREATE SUCH DATA LINKAGES, for future improvements.

There does not appear to BE a definition of "Rifle" or other weapon, anywhere. I want to see one that SPECIFICALLY EXCLUDES SEMI-AUTOMATIC WEAPONS and also any ADAPTATIONS or SELF-MANUFACTURED, ETC., or, AT MINIMUM, creates GREATER RESTRICTIONS and PENALTIES for these.

Thank you for your efforts. Please stay strong in the face of resistance. Just imagine if the same people who are shooting things up elsewhere decided to focus here.

In actual fact, I was told by a stereotypical old-white-misogynist-racist guy, just a year ago in Kona, and I quote: ''If I get a chance, I'm going to kill them all.'' He clarified that he meant all people NOT LIKE HIM, all ''uppity women'', all quacks like chiropractors, all Hawaiians and other races, etc.

I reported him to the Mayor's Office. Thought you should know, too.

Oh, and that same week, there was a "militia"-style drive-around on the Big Island. I saw no less than 3 dozen very large heavy private-military vehicles, blacked-out windows, raised air-intakes, armoring... Never saw them before or since...

We are not safe from the Coup-Plotters, yet.

I also, in the same location some days later, saw a guy I swear was a Chinese spy. He acted suspicious, odd dress, had an old large brown-tan car like a Chrysler or something, possibly had a tiny Chinese Flag on the antenna, he was talking on the phone and when he saw me looking at him, furtively and quickly went away. I will swear to these things in court.

Again, Mahalo Nui Loa.

# <u>SB-1230</u> Submitted on: 2/5/2023 2:05:11 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Judith Keith	Individual	Support	Written Testimony Only

Comments:

I oppose Hawaii having open carry of firearms. If I am shopping at Long's or other businesses and see someone with a firearm, I do not want to be worrying about if this is a good guy with a gun or a bad guy with a gun. I will be so uncomfortable that I would want to leave my groceries in the cart, in the aisle and leave the establishment.

# <u>SB-1230</u> Submitted on: 2/5/2023 2:07:41 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Allyn wijnveldt	Individual	Oppose	Written Testimony Only

Comments:

Posting a gun-free zone sign and expecting criminals (who break the law to begin with), to follow said sign makes no sense.

# <u>SB-1230</u> Submitted on: 2/5/2023 2:09:55 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
M. Verdine Kong	Individual	Support	Written Testimony Only

Comments:

I strongly urge you to support SB1230 that will provide regulations related to the ability to possess/own firearms. I am afraid that the Supreme Court's ruling allowing open carrying of firearms will have a harmful effect on our communities. We have seen the devastation and deaths that occur regularly on the Continent and especially in schools on the Continent. We are a small State made up of close-knit communities. We need to ensure that public safety is a priority for our people. Regulations that will support public safety will not prevent those who are eligible to own and possess guns, the regulations will simply require that each person applying for a gun permit will meet standards of safety including mental health checks, background checks, and other relevant inquiries to ensure that public safety is a primary consideration. Mahalo for your support of this bill. Verdine Kong

#### <u>SB-1230</u> Submitted on: 2/5/2023 2:14:59 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Valerie Wayne	Individual	Support	Written Testimony Only

Comments:

It is time we protect the citizens of our state from gun violence more fully. The mass shootings are all around us, and we've already had one of our own. Preparing our school-age children to cope with mass shootings also traumatizes them. There are better ways, and this bill is one of those. We need to protect the public safety while still complying with the recent Supreme Court decision on carrying firearms. This bill will keep guns out of sensitive areas and provide protections on who can be permitted to purchase a gun. PLEASE pass this bill before more of our citizens suffer the fate of so many in this gun-crazed country.

# <u>SB-1230</u> Submitted on: 2/5/2023 2:19:34 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
sherry fisher	Individual	Support	Written Testimony Only

Comments:

I support this bill. We need clear safe gun regulations in hawaii

# <u>SB-1230</u> Submitted on: 2/5/2023 2:21:46 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
onipaa alu	Individual	Oppose	Written Testimony Only

Comments:

This bill would take away the ability for citizens to exert their God given right to protect themselves, their friends, family and their fellow citizens if the need were to arise. There is no statistical evidence that proves having more legally carried firearms in the hands of our citizens causes more crime, violence and deaths. Actually it proves the contrary. This is bill is created through emotion and fear rather than facts and evidence.

# <u>SB-1230</u> Submitted on: 2/5/2023 2:22:02 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jordan Au	Individual	Oppose	Written Testimony Only

Comments:

To whom it may concern,

I strongly oppose SB1230. Requiring someone to prove they have the essential character and/or temperament to carry a firearm in public violates a persons second amendment rights. Bills like this have already been proposed in New York and were found to be unconstitutional. In addition, a person's rights will be determined by highly subjective standards which should never be done. No other rights are available to you only when someone else says you're fit enough.

Thank you

# <u>SB-1230</u> Submitted on: 2/5/2023 2:22:44 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Richard Tillotson	Individual	Support	Written Testimony Only

Comments:

Aloha,

I urge you to support this bill.

- 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.
- 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. Restrictions on gun permits and carrying guns in public in sensitive places should help increase public safety.

Pass SB1230!

Thank you for considering my testimony and mahalo for your service.

**Richard Tillotson** 

# <u>SB-1230</u> Submitted on: 2/5/2023 2:31:20 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
steven a kumasaka	Individual	Oppose	Written Testimony Only

Comments:

i OPPOSE SB 1230

this bill is a legislative overreach, and is UNCONSTITUTIONAL

the recent SUPREME COURT decision (BRUEN) lays out where and when the right to keep and bear arms (including carry) may be restricted

court cases on extremely similar laws on the mainland are ALL going against similar restrictions

please do not waste the time and money citizens of this state by passing laws that will be challenged in court, where they will be OVERTURNED

mahalo

steve

# <u>SB-1230</u> Submitted on: 2/5/2023 2:33:39 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jessica Gellert	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE this bil.

I am a woman, mother and wife. I have a right to defend and protect myself. Crime is on the rise in our state. A mother was randomly attacked in a Mililani Walmart parking lot just last week! She was critically injured and a good samaritan who stepped in to help her was also injured.

As a woman I would feel safer if I carried and was not an easy target.

This bill goes against my 2nd Amendment Constitutionial right.

Please stop trying to hinder law abiding citizens from simply trying to protect themselves.

I STONGLY OPPOSE THIS BILL.

# <u>SB-1230</u> Submitted on: 2/5/2023 2:36:56 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
David Wolman	Individual	Support	Written Testimony Only

Comments:

As one of Hawaii's most famous paniolo once put it: "Real cowboys don't carry guns." Were he alive today, Ikua Purdy would support SB1230, and the more general idea that the only people in the islands who need to carry guns are hunters and law-enforcement professionals. SB1230 is a critical piece of legislation for protecting the residents of the state and its many visitors. It also fits with the *character* of Hawaii, a place where liberty is valued, but where community welfare and aloha are also valued, if not cherished. If Hawaii becomes just another open-carry-nearly-everywhere state, we will be doing a disservice not only to our community members and keiko by increasing the risk of gun violence, but we also risk harming the reputation of the islands, which in turn harms the entire economy, as fewer and fewer people will see this state as a safe place to live and raise children.

Thank you for your consideration.

David Wolman, writing from Kamula, Hawaii

<u>SB-1230</u> Submitted on: 2/5/2023 2:40:09 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
jonah k	Individual	Oppose	Written Testimony Only

Comments:

I oppose

#### <u>SB-1230</u> Submitted on: 2/5/2023 2:44:56 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Todd Yukutake	Individual	Oppose	Remotely Via Zoom

Comments:

I oppose SB1230

I am opposed to this bill in general as it has many concerning issues. The US Supreme Court ruled in NYSRPA v Bruen last June that the Government has the burden of showing historical precedent on firearms restrictions. Historical precedent meaning laws generally in place at the time of the US Constitution ratification. Many of the restrictions in this bill do not meet that burden with the exceptions per the Supreme Court opinion: government buildings, courthouses, legislative assemblies, polling places, and schools.

Please ensure the committee has and has analyzed the relevant historical precedent prior to voting. In current litigation on sensitive places, New York's law was stopped due to bad historical precedent being provided that was not relevant, not near the time of ratification, laws prior to statehood, or was very limited as in only affecting single towns. New Jersey's law was stopped due to not providing any precedent with the judge saying historical precedent should have been researched prior to the law passing.

Please give this bill due diligence as it removes constitutionally protected rights. I'm available for any questions.

Remember this bills puts restrictions on good legal gun owners and does nothing to stop crime.

Todd Yukutake

(808) 255-3066

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: <u>https://michellawyers.com/wp-</u>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: https://www.supremecourt.gov/opinions/22pdf/22a557\_0pm1.pdf

"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"

#### Senator Glenn Wakai, Chair Senator Brandon J.C. Elefante, Vice Chair Committee on Public Safety, Intergovernmental, and Military Affairs Hearing: Monday, February 06, 2023, at 3:00 p.m. Regarding: **SB1230 (Relating to Firearms) Voter Position: OPPOSITION**

Senators of the PSM Committee,

I express my opposition to SB1230 (Relating to Firearms).

#### **Encroachment of a Right**

**SB1230** 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**'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...<sup>1</sup>

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. A key example would be the inclusion of restaurants that serve alcohol under the proposed **§134-A Prohibition against carrying a firearm in a sensitive location; penalty—Subsection (h)(7)**. CCW license holders may not necessarily consume alcohol at all and will still desire to dine at restaurants that happen to serve alcohol. Just because alcohol has the potential to be served does not guarantee that it will be consumed. Accordingly, it would be imprudent to artificially deny CCW license holders' entry to a restaurant on the basis of alcohol-prohibition when alcohol consumption is not even desired in the first place. In the event that a restaurant or any other private property owner seeks to restrict entry of CCW license holders, they should be able to do so freely and without coercion. Ironically enough, **§134-A Prohibition against carrying a firearm in a sensitive location; penalty—Subsection (h)(18)** imposes such coercion. By requiring private property holders to provide express consent or posting signage for CCW license holder admittance, the private property owners are forced by the State of Hawaii to voice their independent political views in a public setting.

#### **<u>Rights are Not Revocable Privileges</u>**

**§134-A Prohibition against carrying a firearm in a sensitive location; penalty—Subsection (g)** imposes an 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.

<sup>&</sup>lt;sup>1</sup> <u>https://www.supremecourt.gov/opinions/21pdf/20-843\_7j80.pdf</u>

#### Loitering Can Mean Almost Anything

Under §134-A Prohibition against carrying a firearm in a sensitive location; penalty—Subsection (e), the use of "loiter" is 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 §134-A Prohibition against carrying a firearm in a sensitive location; penalty–Subsection (e) fails 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 is unacceptable.

#### "Essential Character" is a Propagation of "Good Moral Character"

**§134-B** Annual report on licenses to carry, Section 2—Subsection (e) subtly injects 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 measurements. Such 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-B** Annual report on licenses to carry, Section 2—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." Anything serving as an evidentiary basis for prospective a CCW license denial should be readily identified in the interest of public trust and transparency.

#### Focus on Stopping Criminal Activity

I understand that the purpose of **SB1230** is to enhance public safety. A more constructive means of fulfilling this task would be to vote **NO** on **SB1230** and focus on enforcement actions against criminals that are breaking provisions of HRS Chapter 134 in its current form. **SB1230**, once enacted, 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 Senate District 23

#### <u>SB-1230</u> Submitted on: 2/5/2023 2:48:25 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jamie Detwiler	Individual	Oppose	In Person

Comments:

### TESTIMONY

## SENATE COMMITTEES ON JUDICIARY AND PUBLIC SAFETY

## **SB1230 RELATING TO FIREARMS**

Monday, February 6, 2023, 3:00 pm

State Capitol Conference Room 225 and via Videoconference

Submitted in STRONG OPPOSITION by Mrs. Jamie Detwiler, President, Hawai'i Federation of

Republican Women.

Honorable Judiciary Chair Rhoads, Public Safety Chair Wakai, Vice Chairs, and Committee Members

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

1. 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.

1. 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.

- 1. In 134-B, Section 2(e), who adjudicates the issue of a person found to be lacking the essential character or temperament necessary? The licensing authority? What are their credentials in making this determination? It is ambiguous, subjective, and unconstitutional.
- 1. In 134-B, Section 2(e), the licensing authority is given the responsibility 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. Again, what are the credentials of the licensing authority to be able to make this decision? This is also ambiguous, subjective, and unconstitutional.
- 1. 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.
- 1. 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 mother of an infant 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.

1. 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. This makes sense as these are places where some are more inclined to be violent. 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 used to justify additional restrictions.

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

Thank you for the opportunity to testify.

Respectfully,

Jamie Detwiler

President Hawai'i Federation of Republican Women

## <u>SB-1230</u> Submitted on: 2/5/2023 2:48:38 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Mark Woodward	Individual	Oppose	Written Testimony Only

Comments:

I completely oppose SB 1230.

This bill is overly restrictive and limits the locations where a concealed firearm can be carried to essentially nowhere.

This circumvents the constitutional rights of the citizens of Hawaii, under the Second Ammendment to the Constitution of the United States of America.

The right of the people to keep and BEAR Arms, shall not be infringed.

The requirements to obtain a "License to Carry" are excessive and certain provisions somewhat vague.

Section 6 of Licenses to Carry is overly intrusive and may violate the Fourth Amendment to the Constitution.

## <u>SB-1230</u> Submitted on: 2/5/2023 2:49:50 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Gabriel Kekauoha	Individual	Oppose	Written Testimony Only

Comments:

I do not support this bill. It is a very bad idea, to disarm people and make them vulnerable in public.

#### <u>SB-1230</u> Submitted on: 2/5/2023 2:50:51 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Chris Marvin	Individual	Support	In Person

Comments:

Aloha, I am testifying in support of SB 1230, relating to firearms and sensitive locations. I am a Honolulu resident, retired Army officer, and a combat-wounded veteran of the war in Afghanistan. I am also an expert on gun safety, and—as a consultant—I lead the veteran engagement strategy for the nation's largest gun violence prevention organization, Everytown for Gun Safety.

It is worth noting that, no matter what the Supreme Court has decided or what laws this legislature creates, there will always be a handful of places on this island where no individual has the discretion to carry a personal firearm. These locations include: Schofield Barracks, Joint Base Pearl-Harbor Hickam, Marine Corps Base Hawai'i, and every other military installation in the state.

In the military, we treat our bases and posts as the ultimate "sensitive locations", where the only places you'll find loaded weapons are on shooting ranges and carried by military police and sentries on duty. We do this because the military is a profession of arms, and better than anyone else in the country, we understand the danger of having weapons in the wrong hands, at the wrong time, or in the wrong place.

Opponents of this bill, will tell you that they can be trusted to carry a gun in public because they are responsible gunowners—they are likely correct. They will also say that the 2nd Amendment provides some God-given right for all Americans to possess and carry guns virtually anywhere—they are absolutely wrong. The military's handling of firearms is the first example of why.

In the military, we have a weapons culture built on three pillars: training, safety, and accountability. Every service member is vigorously trained before possessing a firearm, safety is paramount at all times, and all members of the chain of command—up to the generals and admirals—are responsible for what the lowest ranking military member might do with his or her weapon. For these reasons, and to protect our own, the military has the strictest prohibitions on carrying personal firearms.

...and so must Hawai'i. We are lucky to have a legislature that has continuously passed gun safety laws that keep our citizens from harm. As an island state, we lack the terrestrial interstate gun trafficking that plagues other states. As a result, we have the lowest gun violence rates in the nation.

Now that the Supreme Court has stripped away this legislature's steadfast attempts to make our own laws for Hawai'i and keep the people of this great state safe from a nation-wide gun violence epidemic, we must take further action.

SB 1230 is that needed action. By identifying sensitive places where gun consumers and licensed gun carriers are prohibited, we can put off the carnage and death that we see in virtually every other state.

Most importantly, this bill creates a default for business owners that guns are not allowed inside their place of business, unless they explicitly welcome them. Can you imagine how many momand-pop shops will be relieved not to have to confront a man with a gun who they don't want in their corner store? How many 19-year-old waitresses will not be forced to ask if the restaurant patron with the pistol is licensed or not?

Opponents of this bill talk a lot of rights and freedom. SB 1230, gives the right to all people in Hawai'i to not live in fear of gun violence. It gives small business owners the freedom to run their shops the way they want to. And it gives this legislature the autonomy to govern our state in a way that we all believe will keep us safe.

Mahalo,

me ke Aloha nō,

Chris Marvin Captain, US Army, retired Honolulu, HI Dear Senator Wakai, Senator Elefante, and members of the Committee:

I am a resident of Makiki and I am in support of SB1230 Relating to Firearms.

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. <u>Having seen the unfortunate</u> results of having more guns in more places, I believe that passing SB1230 is essential for the safety of Hawai'i's residents.

Here are two key reasons:

- 1. Setting clear rules on where hidden guns can be carried in public is critical for preventing more gun deaths in Hawai'i. You will hear from others that having more guns in public keeps people safer. Unfortunately, the experience of states such as Missouri doesn't bear this out. Gun violence and gun death remain common occurrences in Missouri despite the state's loose gun restrictions. In fact, on average, Hawaii has one gun-related death every seven days while Missouri has one gun-related death every seven hours.
- 2. With the right to carry a gun in public comes the responsibility to use and store it safely. On the mainland, there have been shootings in arguments over parking spaces, workplace disputes, and in bars, as well as instances of guns being accidentally left behind in public restrooms. Hawai'i's families should not have to worry when they go out in public that concealed guns will be in the hands of those with a recent history of violent or threatening behavior or of reckless gun use.

I urge you to support SB1230.

Mahalo,

Elna Nagasako, MD, PhD, MPH

## <u>SB-1230</u> Submitted on: 2/5/2023 2:53:34 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Josh Hekekia	Individual	Oppose	Written Testimony Only

Comments:

# **Testimony SB 1230**

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

Chairman Glenn Wakai, Vice Chair Brandon Elephante, and members of Public Safety and Intergovernmental and Military Affairs committee.

I offer the following comments on the legality of Senate Bill (SB)1230:

Much of what is proposed in SB1230 is in violation of both the 2nd and 14th amendments. Furthermore, Senate Bill (SB)1230, is also in defiance of Supreme Court of the United States (SCOTUS) rulings on Heller v. District of Columbia, 2008 (Heller), McDonald v. City of Chicago, 2012 (McDonald), Caetano v. Massachusetts, 2016 (Caetano), and NYSPRA v. Bruen, 2022 (Bruen).

I would like to also point to the latest developments on bills and newly passed laws of former "may issue states" that bear an uncanny likeness to SB1230.

- The State of New York's Concealed Carry Improvement Act (CCIA) include concepts, and language that nearly matches that of SB 1230. There are five lawsuits making their way through US Court of Appeals, 2nd District, contesting the legality of the CCIA. The lawsuits challenge concepts such as mandatory insurance, restricting the issuance of concealed carry weapons (CCW) permit to those deemed "good moral character," and expanded the areas within "sensitive places." Almost all the areas defined "sensitive places" were not classified as "sensitive places" prior to the issuance of the Bruen decision (June 2022).
- A federal judge in the 2nd District blocked key components of **State of New Jersey (NJ)** Act A4769 on January 9, 2023. NJ A4769 expands areas that are classified as "sensitive places," restricts access to firearms of people "found to be lacking the essential character or temperament necessary to be entrusted with a firearm." In the issuance of temporary restraining order U.S. District Court Judge Renée Marie Bumb blocked the section of the law that prohibits guns from being carried into public libraries, museums, bars,

**restaurants that serve alcohol, and entertainment facilities like stadiums, concerts, and theaters.** Justice Bumb stated, "The deprivation of plaintiffs' Second Amendment rights, as the holders of valid permits from the state to conceal carry handguns, constitutes irreparable injury, and neither the state nor the public has an interest in enforcing unconstitutional laws."

Therefore, I am in opposition of SB 1230's expanded classification of "sensitive places." Heller defined sensitive place as areas that had a historical analog on areas where guns were prohibited during the founding period (1791-1826). In the Bruen decision, the majority opinion noted that New York was in violation of the 2nd amendment as it attempted to declare all of Manhattan as a sensitive place. **The Sensitive Place doctrine**, as understood by SCOTUS in the four cases listed above, include Schools, Government Buildings, Court Houses, Prisons, and Polling Places.

Hawai'i is to expand the definition of "sensitive places" beyond that which was accepted by SCOTUS, the Government (not private institutions, individuals, or businesses) has the burden to ensure, verify, and enforce the sensitive places are gun free zones. Therefore, in passing of this bill, the State of Hawai'i would need use preventative measures such as sealing off public areas newly defined as sensitive places with such applications as fences, verifiable methods to seal off the newly declared "sensitive places," and metal detectors so that these areas are indeed free of guns. Furthermore, as these areas are being declared in reaction to the issuance of the Bruen decision, it defies the SCOTUS ruling, and thus can be deemed unconstitutional.

To further support my testimony that SB1230 is unconstitutional, the Roberts Court has advanced a legal methodology in gauging the constitutionality of gun control laws. Previous method such as balancing test, strict scrutiny, tiered scrutiny, and accounting for the rights of individuals and the public interests has been discredited and deemed unlawful and incorrect evaluative process by SCOTUS. There is only one method that has been deemed lawful in evaluating the constitutionality of gun control regulations. That being the plain text of the Constitution as informed by history and relevant tradition on United States longstanding use and governance of firearms. Furthermore, in the ground breaking legal rulings previously mentioned (Heller, McDonald, Caetano, and Bruen), SCOTUS has determined the time frame to be used is 1791 (ratification of the US Constitution) through the passage of the 14th amendment (1868).

SB1230 is to become law, the State of Hawai'i will have the burden to proof to demonstrate that the actions proposed by SB1230 have historical analogs and applicable traditions during the period of 1791-1868. This committee should expect numerous legal challenges.

Furthermore, in a recent challenge to the State of California's Magazine Capacity restrictions (Duncan v. Bonta), Justice Roger T. Benitez of the Southern District of California, directed that the California Attorney General's office (Rob Bonta) provide the court a spreadsheet of all state and national gun control dating from 1791 to 1888 (20 years after the passage of the 14th amendment).

That spreadsheet can be accessed via the link below.

## https://airtable.com/shrVnkmENgDHNARBF/tblsHOpJfKXQyuqeF/viwZN34knJaPEgsG R?blocks=hide&referrer=https%3A%2F%2Fwww.redditmedia.com%2F

This spreadsheet was submitted on January 16, 2023. Judge Benitez is allowing the representatives of Mr. Duncan 30 days to refute this list. At that point Judge Benitez has allocated an additional 10 days to review both arguments. In 2021 Judge Benitez previously ruled against the State of California and in favor of Mr. Duncan on the legality of firearm magazine capacity limits finding it unconstitutional using the Plain Text standard. In June 2022 SCOTUS Granted, Vacated, and Remanded the Duncan v. Bonta the case back to the 9th Circuit for reconsideration in light of Bruen (as an en banc panel of the 9th Circuit declared it constitutional in 2021). It is highly anticipated, even by California Governor Gavin Newsom, that Judge Benitez will rule against the State of California. If so, expect Hawaii's magazine capacity restrictions to be susceptible to reversal as Hawai'i is also in the 9th Circuit and any ruling is directly applicable.

If passed, much of what is proposed in SB1230 runs the risk of being invalidated by rulings in both the 2nd and 9th Circuit and will not withstand legal challenges. We 2nd Amendment Advocates fully intend to challenge this law if passed.

## <u>SB-1230</u> Submitted on: 2/5/2023 2:53:38 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
kristofor gellert	Individual	Oppose	Written Testimony Only

Comments:

As a concerned citizen i strongly appose this bill. The supreme court ruled in favor of our right to carry in hawaii. Stop trying to take our rights away. We have the right to defend out selves when police are not available. Statistics show when citizens are armed crimes are lower.

"An armed society is a polite society. Manners are good when one may have to back up his acts with his life." - Robert A. Heinlein Mahalo,Kristofor G.

# <u>SB-1230</u> Submitted on: 2/5/2023 2:56:15 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
glenn oshiro	Individual	Support	Written Testimony Only

Comments:

I'm a life long gun owner and hunter. Please vote yes on sb1230

## <u>SB-1230</u> Submitted on: 2/5/2023 2:57:16 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Kehaulani matsumoto	Individual	Oppose	Written Testimony Only

Comments:

I oppose bill SB1230 because it will limit my ability to defend myself and exercise my constitutional right.

## <u>SB-1230</u> Submitted on: 2/5/2023 2:59:29 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Alan Miller	Individual	Oppose	Written Testimony Only

Comments:

I don't even know where to begin with this bill. First of all there are problems with the bill that it still requires a CCW applicant to provide a reason to carry as a determininung factor in approval (this was struck down in Supreme Court Bruen ruling).

Second this bill is far over reaching. Outlining far too many sensitive places. The similar House bill are much more reasonable. As are the penalties.

Third, this bill has many of the same regulations from New York sensitive places bill, which are being challenged and will likely lose in court. I believe New York and Hawaii with this bill will lose in court as unconstitutional overreaching laws and will result in the state/county being sued and losing \$.

This bill is far too broad and objective, and does very little to improve public safety, while creating burdensome and almost unrealistic regulations for law abiding firearm owners and concealed carriers.

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

February 5, 2023 3:00 PM State Capitol, Teleconference

## SB1230 RELATING TO FIREARMS

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

The Department of Transportation **supports** SB1230 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.



## February 6, 2023 at 3:00 pm Conference Room 225



ante

## Senate Committee on Public Safety and Intergovernmental and Military Affairs

- To: Chair Glenn Wakai Vice Chair Brandon J.C. Elefante
- From: Paige Heckathorn Choy Associate Vice President, Government Affairs Healthcare Association of Hawaii

## Re: Support SB 1230, 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.

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

February 6, 2023

The Honorable Glenn Wakai, Chair and Members Committee on Public Safety and Intergovernmental and Military Affairs State Senate 415 South Beretania Street, Room 225 Honolulu, Hawaii 96813

Dear Chair Wakai and Members:

SUBJECT: Senate Bill No. 1230, Relating to Firearms

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

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

In the area of sensitive places, it is too broad and will be difficult to enforce. The bill proposes that several public and all private properties be classified as sensitive places. This is a concern for places with multiple businesses such as a shopping center where individual businesses may allow firearms on their premises.

The second concern is 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.

The Honorable Glenn Wakai, Chair and Members Page 2 February 6, 2023

Our third concern is 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.

Our last concern is that we do not believe the hearing for a denied application for a license to carry should be conducted by the district court system.

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

Sincerely,

Joseph A. Trinidad, Major Seconds and Identification Division

APPROVED:

Afthur J. Logan Chief of Police Senator Glenn Wakai, Chair Senator Brandon J.C. Elefante, Vice Chair Committee on Public Safety, Intergovernmental, and Military Affairs Hearing: Monday, February 06, 2023, at 3:00 p.m. Regarding: **SB1230 (Relating to Firearms) Voter Position: OPPOSITION** 

PSM Senators,



I express my **opposition** to **SB1230** (**Relating to Firearms**) because it is unconstitutional and serves as an infringement against my constitutional rights that are guaranteed under the Second Amendment.

#### Public Harm Posed Against Business Owners

**SB1230** possesses a direct danger to my business. My business is based out of my home, meaning that members of the public legally carrying Concealed Carry Weapon (CCW) licenses should be able to visit freely without undue encroachment by artificial government-imposed restrictions. Posting a sign, as **SB1230** proposes, would be utterly reckless and would constitute the same advertisement as open carry. If a criminal who wishes to harm me or my family members due to some irrational vendetta against me or my business venture, they will know in advance that I am an advocate of self-defense due to postage of any signs and the criminal will likely resort to using firearms against me or my family members. The criminals wishing harm against me may even send other associates to cause harm or recruit additional support in order to counteract my capability to protect myself. The core element of conceal carry is to conceal the fact that concealed weapons are allowed on my property. I do not wish to openly advertise my support of conceal carry since it would force me to advertise my political views concerning the carry of concealed firearms. Moreover, the "express consent" aspect contained in **SB1230** is not clearly delineated. I should be able to give "express consent" by simply allowing CCW license holders onto my property when running my business. Moreover, inflation has increased the cost of running my business, so being forced to purchase and install signage welcoming CCW is a cost I should not be forced to bear.

Criminals don't always train to use their firearms efficiently. They will likely brandish a firearm to intimidate whereas me and other lawful CCW license holders will train to protect themselves and their family members. Restricting the ability of CCW license holders from carrying their firearm used for self-protection in public as well as private venues constitutes a public danger to me.

Last I checked, the United States Supreme Court's decision in *New York State Rifle and Pistol Association* (*NYSPRA*) v. *Bruen* already placed limits to states seeking to carve out vast swathes of so-called "sensitive places" where concealed firearms may be carried. On that note, I can't think of any other constitutional right that is routinely abrogated in the similar manner that the Second Amendment is abrogated.

#### Redundant Background Checks Don't Reduce Crime

**SB1230** seeks to increase the requirements that CCW license holders would have to pass in order to get their license. I already undergo numerous criminal and physical heath checks for my day job on an annual basis, meaning that I go through checks more than the average citizen. I went through the same thing with the Honolulu Police Department (HPD) when I applied for and obtained my permit to acquire a long gun permit. I don't see any justifiable reason why a repeat check needs to be conducted in order to allow me or my customers to acquire a CCW license. The concerns about no longer maintaining eligibility for firearm ownership due to the conduct of criminal activity are mitigated by the fact that we already have laws that will prompt the surrender of firearm permits and firearm retention whenever the registered owner commits

a crime. An additional background check as required by SB1230 holds no valid justification since a CCW license applicant is pursuing a means to secure a method of self-defense. Every time I see a news report about another criminal committing a crime, I never hear about the background checks that they originally cleared prior to committing their criminal activity. Instead, criminals bypass all aspects of HRS Chapter 134 and all of its corresponding background check processes. Criminals will always find a way to circumvent the law and will not be constrained by any law or threat of law enforcement. The contents of SB1230 will only affect the lawful CCW license holder who has conducted no crime.

This bill does nothing that will substantially suppress criminal activity. Instead, it will simply suppress the law-abiding citizens' ability to carry a firearm on their person in order to resist the harm imposed by criminals.

Thank you for your consideration.

Respectfully,

Tysen K. Burdett

Constituent of Senate District 23

## <u>SB-1230</u> Submitted on: 2/5/2023 10:42:03 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
'Ilima DeCosta	Testifying for Ho'opono Na Mea Ola	Comments	In Person

Comments:

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

Special mahalo to Senator Rhoads and his staff, for their tireless work championing the efforts aimed at reducing gun violence.

That is what this hearing is about: reducing the instances where a firearm can be used to injure or kill a person in Hawai'i.

My apologies for the delay in submitting my testimony.

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 safety.

I urge each individual member of the Legislature to rigorously perform their duties in protecting the public safety, by exercising extreme due diligence with regard to protecting sensitive spaces".

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.

Lizzie left behind a four year old son, Ikaika, who will never get to know how special his mother truly was.

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, aged 12-24.

That is not acceptable, to me. It should be acceptable to you.

Unfortunately, despite considerable efforts to pass common sense firearm legislation, it is my humble opinion that SB 1230 doesn't go far enough to protect Hawai'i's residents or visitors by creating clear and unambigious rules for concealed firearm licensees.

For example, according to Section c.1...

"a [firearm] licensee may:

Transport a concealed firearm within their vehicle or on public transit; provided that the firearm is unloaded and in a locked container, as defined in section 134–25".

Unless there is a compelling reason why firearm licensees should be allowed to carry a concealed weapon onto public transportation, the State should not be sanctioning the transportation of any firearms on public transportation - including buses, the rail (HART), taxis, Uber, Lyft - or any other type of transportation regularly available to the public.

And, as to Section c.2...

"a licensee may:

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".

Again, unless there is a compelling reason and a clear definition of what constitutes "plain view", the State should not be sanctioning the movement of concealed firearms within any parking lot of any area otherwise "prohibited".

This proposed section of law opens the door for abuse of the rules and law, inviting individuals/organizations to seek out "grey areas" of the law, in order to intimidate others with whom they have conflict...

eg: stalking victims and those who are survivors of domestic violence.

HRS 134-A section 2.d represents a huge potential "grey area", where those who would wish to intimidate others are able to weaponize an otherwise "sensitive space", where concealed carry is normally prohibited.

To be clear:

"(2) of subsection (h), a licensee shall not be in violation of this section while they are traveling along a public right—of—way that touches or crosses any of the sensitive

locations identified in subsection (h) if the concealed firearm is carried on their person or is being transported in a vehicle in accordance with all other applicable laws; provided that nothing in this exception shall allow a licensee to loiter or remain in a sensitive location identified in this subsection longer than necessary to complete their travel."

To add insult to injury, the proposed bill would allow someone who wants to use their firearm to intimidate those engaged in activities that should otherwise he protected under a "sensitive spaces" law, by allowing firearm licensees to pass adjacent or through an event with a concealed carry - as long as the licensee doesn't "loiter".

What is the definition of "loiter"?

Do we have to argue that, too?

Worst of all: the proposed Section 2.d would apply to freedom of expression events.

Political rallies and artistic venues would be risky venues, not "sensitive" or safe "spaces".

Those of us who would like to engage in freedom of expression - without being intimidated or being made fearful of being shot at, will be at the mercy of those who wish to silence us.

One shot is all that was necessary to kill my 24-year-old daughter, Lizzie.

Lizzie's death came a day after attending her first professional conference related to child sex trafficking, and while she was in the midst of uncovering sex trafficking at her military spouse's base.

So, a person doesn't even need to "loiter" to intimidate or shoot others.

It doesn't take that long to snuff out a life...or two, or three.

A person with a confealed firearm only needs an open entry to a "sensitive space", or a legal loophole that allows them access inside of a "sensitive space", to commit murder.

I'm only on page 3 of the 29 pages of SB 1230 and it appears the proposed bill caters to firearm enthusiasts, not necessarily to public safety enthusiasts.

Respectfully, the most reasonable protections the public needs to ensure our safety do not exist in SB 1230.

The First Amendment must have been established as the primary amendment by its framers for a reason.

The Second Amendment - while important to many - does not trump my First Amendment Rights.

Therefore, I cannot support legislation that may result in legal loopholes for stalkers, domestic abusers, and those who wish to silence others engaged in freedom of expression.

Please reconsider any aspects of the proposed bill that would result in legal loopholes before passing this measure out of committee.

Mahalo for the opportunity to testify on SB 1230.

## <u>SB-1230</u> Submitted on: 2/5/2023 10:06:19 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Jerry Yuen	Testifying for Pu'uloa Rifle and Pistol Club	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1230. This bill is unconstitutional and seeks to defy the Bruen decision. "Gun Free Zones" do not work and only embolden criminals and others intent on doing harm by ensuring the victims are unarmed and unable to defend themselves. This bill will do more harm to those we seek to protect rather than that criminal element that this bill supposedly targets.

Making good people helpless does not make bad people harmless.

Jerry Yuen - President of the Pu'uloa Rifle nd Pistol Club



DATE: February 6, 2023

TO: Senator Glenn Wakai Chair, Committee on Public Safety and Military Affairs

FROM: Mihoko E. Ito

RE: S.B. 1230 Relating to Firearms Hearing Date: February 6, 2023 at 3:00 p.m. Conference Room 016 & Videoconference

Dear Chair Wakai and Members of Committee on Public Safety and Military 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 testimony in **support** of S.B.1230 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.

LATE

NATIONAL RIFLE ASSOCIATION OF AMERICA

**INSTITUTE FOR LEGISLATIVE ACTION** 11250 WAPLES MILL ROAD FAIRFAX, VIRGINIA 22030







February 6, 2023

The Honorable Glenn Wakai Chair, Senate Committee on Public Safety and Intergovernmental and Military Affairs Hawaii State Capitol, Room 407 Honolulu, Hawaii 96813

Dear Chair Wakai:

On behalf of the members of the National Rifle Association in Hawaii, I would like to communicate our strong opposition to Senate Bill 1230 (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

## <u>SB-1230</u> Submitted on: 2/6/2023 1:38:11 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
David Norris	Testifying for Norris Home Services LLC	Oppose	Written Testimony Only

Comments:

I have lived in Hawaii my whole life and own a small business that I have to travel to places that are sometimes unsafe. I have no way to protect my self if this bill passes.

I pay GE and State tax and for the first time in my life I am considering leaving this state and taking my business and tax money else where because of the way laws continue to infringe on my rights in this state.

I am for rules and regulations for firearms and I am also a safety instructor and run a pistol safety class. But it seems as though the people submitting these bills don't consider or even understand how firearms work and are possessed.

thank you for considering my testimony.



Chair Wakai, Vice Chair Elefante, and Members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs:

My name is Christopher Thomas, I am a resident of Kailua. I am an attorney practicing in Honolulu, and a Veteran of the Air Force. I am Hawai'i's Ambassador for Giffords Gun Owners for Safety, the nation-wide organization founded by former Senator Gabby Giffords, of Arizona. I am also a State-licensed gun owner.

I believe the current U.S. Supreme Court interpretation of the Second Amendment mandates States pass common sense and responsible gun laws. I believe that responsible gun ownership is synonymous with reasonable gun safety regulations; and that is why I express my support for Senate Bill 1230.

Senate Bill 1230 takes vital steps toward protecting the public from gun violence. This bill will allow us to secure sensitive locations where the presence of a firearm would place the general public at greater risk of gun violence. Sensitive locations, such as schools, hospitals, parks, and government buildings, should be safe from violence and secure for everyone. Allowing firearms in these environments will increase the risk of violence, and should be avoided at all costs.

This bill will also update the rules for how licenses to carry firearms in public are issued. As you know, last year a U.S. Supreme Court ruling changed the standards for concealed carry licensing; Hawai'i must update its longstanding licensure procedures. These new standards consider the risks associated with firearms, both in the home and in public, to ensure that our government only issues permits to those who are not at an unacceptable risk of harming themselves or others. By setting minimum requirements for licenses to carry firearms and revoking them under specific conditions, this bill can help prevent weapons from falling into the hands of those who are not qualified nor fit to possess them.

I urge this committee to vote in favor of this bill. The proposal is a measure of common sense. It will help ensure that firearms remain in the hands of responsible gun owners who the public can know show a commitment to responsible gun ownership. The bill is a crucial step toward preventing gun violence and promoting a safer community for residents of Hawai'i.

Respectfully Submitted, Christopher D. Thomas Kailua, Hawaii



educate millions around the world on violence & solf protection on a daily basis.

My name is Soleil Roache and I am a certified firearms instructor, pepper spray instructor, deadly force instructor, and the exec assistant to the CEO at Active Self Protection? I strongly oppose this bill.

Crime is increasing in Hawaii.

Personally, I and two children were attacked by a homeless man experiencing a violent psychotic episode

My husband works at the 24 hour fitness at Windward City Shopping Center in Kaneohe where the security guard, Mike Chu, was recently murdered.

My son has been threatened with violence multiple times at his work.

My older sister was attacked and assaulted by a neighbor while walking her dog.

My younger sister had a break-in by a druggie with heavy tools who stole a bunch of stuff from their safe, and caused significant damage to the walls, doors, and ceiling.

This bill will do nothing to stop criminals from committing crimes. In fact, this bill will ensure that criminals know exactly where they can carry out crimes where no one there will be armed to resist them.

It will place unreasonable burden on concealed carriers just trying to navigate their daily life without violating the restrictions and will make them a criminal crossing an imaginary line.

It will disproportionately affect lower income individuals who are already disproportionately affected by crime and who are also more likely to use public transportation.

Rather than trying to "protect the public" from lawfully armed private citizens who are not inclined to ever use their firearms for nefarious purposes, allow private citizens to protect themselves and others wherever they need to go throughout their day. Making good people defenseless won't make bad people harmless

The bad guy gets to pick the time and the place they will attack and private citizens cannot count on the police to protect them. In fact, research shows that, statistically, armed private citizens are best able to mitigate the loss of innocent life quickly because they are there right when an imminent threat of death, great bodily harm or a forcible felony happens. If they are armed, they don't need to wait for a good guy with a gun (police) to show up. They ARE a good guy with a gun. Estimates of annual defensive gun uses vary depending on the questions asked, populations studied, timef rame, and other factors related to the design of the studies. The report Priorities for Research to Reduce the Threat of Firearm-Related Violence indicates a range of 60,000 to 2.5 million private citizen defensive gun uses each year.

Available for questions (808) 670-9929 soleil@active.celfprotection.com Also, according to National Subject Matter Expert Ed Monk of Last Resort Firearms Training (see link below), in active killer situations, when an armed private citizen is present when the attack begins and they choose to intervene, we see the victim count in those attacks drop to single digits 17 out of 19 times. That's an 89% success rate, which is far higher than any other strategy against active killers out there. And the faster an active killer is stopped, the sooner first responders can get in there and start rendering aid to victims so that even fewer innocent lives are lost.

Active Shooter Interdiction with Ed Monk: Active Shooter Interdiction With Ed Monk
#### <u>SB-1230</u> Submitted on: 2/5/2023 3:02:54 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Brendan	Individual	Oppose	Written Testimony Only

Comments:

I, as a law-abiding citizen of Hawai'i oppose SB1230. I can't possibly understand why you would want to restrict the rights of law-abiding citizens. If SB1230 is passed then the people who follow the laws will listen, but answer me this.... when criminals see this and know that no one is capable of defending themselves in these "sensitive" places, where do you think they will target? Criminals want easy targets where defense is minimal to none; so why punish the good for the sins of the bad? When my life, my family's life and other hang in the balance of mere seconds the police are minutes away. Aloha.





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 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 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 responsible for assessing each home with firearms and making a determination that the "likelihood" an applicant would engage in a violent activity is eminent? Once again, this is broad, subjective, and at minimum, government overreach. You cannot predict whether or not someone is going to commit a violent crime based on a broad assessment.

With regard to sensitive locations, SB 1230 seeks 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 said 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.

Requiring the Attorney General to publish an annual report on licenses to carry firearms is nothing short of violating someone's right to privacy and places individuals at risk of being doxxed.

In short, all I ask is to stop demonizing law abiding people who have the right to protect themselves, their families, property, and their fellow Americans. SB 1230 seeks to take that away and basically leaves law abiding individuals at risk to violent criminal activity.

These are some of the many reasons why a strongly oppose SB 1230. Thank you for taking my testimony into consideration as you vote on this bill. Mahalo, Jessica

#### <u>SB-1230</u> Submitted on: 2/5/2023 3:11:58 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Dirck Sielken	Individual	Oppose	Written Testimony Only

Comments:

Aloha Senators of PSM Comittee,

I strongly oppose SB1230 (Relating to Firearms)

This bill is written to directly restrict law abiding citizens who are legaly authorized to carry concealed firearms as well as denying their Second Amendment right. As per the US Supreme Court ruling in New York State Rifle and Pistol Association (MYSPRA) v. Bruen, there is no historical precedent for all these sensitive places and restriction listed in SB1230. Any retriction beyond historical precedent will be a violation of our Second Amendment right. Sensitive places should be those that hold up to historical prescedent scrutiny only.

Please vote against this bill. Being the committee on Public Safety, I as well as all of your constituents would rather you put your focus on stopping criminals and not on further resticting law abiding citizens.

Thank you for reviewing my testimony,

Dirck Sielken

#### <u>SB-1230</u> Submitted on: 2/5/2023 3:14:36 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Lyle HIromoto	Individual	Oppose	Written Testimony Only

Comments:

I respectfully oppose this bill because citizens need to be able to defend themselves and loved ones everywhere. As we have seen in the news, crime can happen just outside of police stations and Walmart parking lots. Thank you.

#### <u>SB-1230</u> Submitted on: 2/5/2023 3:44:27 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Reid Oya	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1230.

The "the person is found to be lacking the essential character or temperament necessary to be entrusted with a firearm." or good moral character is an opinion and not fact of a person and has been struck down in lawsuits on the mainland. We all have to submit to mental health & background checks when we want to purchase a firearm and have been deemed competent in owning a firearm. There are no other rights that we have to get permission, take a training class, (I'm all for VOLUNTARY training), pay for a permit to exercise our rights.

As for locking up the firearm in a vehicle. There is a law that says we can't leave a firearm unattended in a vehicle with the exception of certain places. There is also a concern of theft. It would be safer to keep the firearm under the owner's control at all times.

Tbank you,

Reid Oya



Submitted By	Organization	<b>Testifier Position</b>	Testify
Dawn Morais Webster Ph.D.	Individual	Support	Written Testimony Only

Comments:

# *WE MUST DO BETTER AT STOPPING GUN VIOLENCE.*

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

-who is, and is not, entitled to carry a gun in public

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

*—where people who get permits to carry guns in public can and can't bring those guns* 

SB 1230 establishes a strong framework to accomplish this.

Please support this very important bill to help keep Hawaii safe. Mahalo

### <u>SB-1230</u> Submitted on: 2/5/2023 4:03:39 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Muftiah Martin	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support legislation that will keep the public safer from guns. Please enact this common-sense legislation.

Mahalo for your consideration.

## <u>SB-1230</u>

Submitted on: 2/5/2023 4:38:35 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Lyle Tamaribuchi	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB 1230 as it is not in alignment with the Second Amendment of the US Constitution.

Mahalo,

Lyle Tamaribuchi

Kailua-Kona, HI

**SB-1230** Submitted on: 2/5/2023 4:48:36 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Chad Amasiu	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE SB1230

# <u>SB-1230</u> Submitted on: 2/5/2023 5:00:47 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Alexandra Hustace	Individual	Support	Written Testimony Only

Comments:

I am in support of SB1230. Mahalo for your consideration.

## <u>SB-1230</u>

Submitted on: 2/5/2023 5:08:19 PM
Testimony for PSM on 2/6/2023 3:00:00 PM $$



Submitted By	Organization	<b>Testifier Position</b>	Testify
Renny Chee	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because it is unconstitutional.

#### <u>SB-1230</u> Submitted on: 2/5/2023 5:12:17 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Robert Marks	Individual	Support	Written Testimony Only

Comments:

Chair and members - Hawaii should respond thoughtfully and aggressively to the US Supreme Court's misguided decision in Bruner. This bill is an excellent vehicle for this discussion to occur. I strongly urge the committee to move the bill forward.

Respectfully submitted,

Robert Marks

#### <u>SB-1230</u> Submitted on: 2/5/2023 5:16:50 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Daniel Perez	Individual	Oppose	Written Testimony Only

Comments:

I opposed this ban sb1230 because it violates our constitional right to carry a firearm concealed or openly. Individuals should have the right to carry their weapons in a safe manner, and if they are propelly trained and their weapon is concealed. There should be no ban on where you can have your weapon because of the fact that at any given time you may nned it to defend yourself or your family. In my experience, i have neen attacked and i have had to protect myself and my family from being attacked

sincerly Daniel Perez





Submitted By	Organization	<b>Testifier Position</b>	Testify
Susan Pcola_Davis	Individual	Support	Written Testimony Only

Comments:

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

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

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

—where people who get permits to carry guns in public can and can't bring those guns

SB 1230 establishes a strong framework to accomplish this.

#### <u>SB-1230</u> Submitted on: 2/5/2023 6:03:34 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Shyla Moon	Individual	Oppose	Written Testimony Only

Comments:

SB1230 HRG 2.6.23 3pm

Section 1 chapter 1 G.

This should be removed from proposed changes. There's no prior examples of violence from a legally registered firearm owner in a "sensitive location". This opens up having so many issues. From dropping off your kids at school to your job delivering products or goods. Even realtors will have issues to site showings. You can't leave your gun in a vehicle on County of Kauai, so how would you take it off before going into this "sensitive location"? A conceal carry is worn 24/7 and is something that already has rules in each County on safety (everyone signs the forms at the police department). This should be treated just like a drivers license, a violation shouldn't revoke the license but have a warning or fine and record of the violation.

"(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 shall not knowingly carry a firearm on or into a sensitive location."

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

What defines a "sensitive location"? Everywhere is open for violence and if we mark places that are "sensitive locations" what stops the criminals? All criminals do not obey laws.

Why is the legislature going after the law abiding legal gun owners? It's a shame our politicians who should be working FOR THE PEOPLE OF HAWAII, only work against us. We show you with our vote!

Section 1 chapter 1 e.

How would you know who is carrying?! It's supposed to be concealed carry all the time. No exceptions. Seriously no one should be rubbing up people or asking if they're carrying.

Btw again, a sign can say anything it wants but the REAL criminals do not obey laws or signs. This is targeting the law abiding legal firearm owners. Unacceptable and wording should be removed.

"(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 further 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."

Section 1 chapter 1 b 1-6,8.

1-6. These below are all area where one should be carrying to protect life. A child's life is more important than a Hollywood star or the State Capital or the banks. Why do we leave our children vulnerable?

- " (1) Schools, as defined in section 302A-901;
  - (2) A college, university, or other educational institution, or on any school bus;
  - (3) Child care facilities, as defined in section 346-151;
  - (4) Nursery schools or pre schools, including day care centers and summer camps;
  - (5) Public parks or recreational grounds as defined in section 708-814.5;

(6) Zoos, playgrounds, museums, libraries, recreation centers, and shelters and residential facilities operated by a government entity or a charitable organization serving unhoused children, children involved in the juvenile justice system, or children who are similarly at-risk;"

#8 This strips away a persons right to carry at work, many nonprofits are located on State owned, leased property and this poses an issue for those who will be defenseless. Many of these nonprofits work with some dangerous people in society, shouldn't we want to have them be able to defend themselves?

"(8) A place owned, leased, or under the control of the State, county, or municipal government used for the purpose of government administration;"

I agree with 9 for obvious reasons. Common sense.

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

#7 No one should be banned from going to eat in a restaurant that has its liquor license just because they have a CCW. Especially if they're not consuming alcohol. That makes no sense. All responsible firearms owners know not to consume any alcohol when in possession of a firearm. Period. There's no need for the state legislature to tell us this.

"(7) Any bar, restaurant, or establishment issued a license for on-premise consumption of alcohol pursuant to sections 281-31 and 281-32.5;"

Pretty sure the PUBLIC SIDEWALK is public. Strike #12 completely from this bill.

" (12) A public gathering or special event conducted on property open to the public 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 vent or gathering; provided that there are signs clearly and conspicuously posted at visible "

#13 opens up people who don't own a car to now have their rights stripped from them to defend themselves.

"(13) Any place, conveyance, or vehicle used for public transportation or public transit, including but not limited to:

- (A) Buses;
- (B) Train cars;
- (C) Ferries;

- (D) Railroad;
- (E) Omnibus; and
- (F) Marine or aviation transportation;

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

- (A) Airports;
- (B) Bus terminals;
- (C) Train stations;
- (D) Rail stations; and
- (E) Harbors; places along the perimeter of the event;"

#16 need to be removed from this bill as well. You seriously going to limit law abiding citizens from going to the emergency room or physicians office?! You must be out of your minds. So where does one put the firearms while seeking medical emergency help or doctor's appointments? County of Kauai does NOT allow you to leave firearms in any vehicle. Period.

So if I have a fever and need medical help I have to drive home drop off my firearm and drive back to the doctors? If I have an emergency I can't go to the emergency room?

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

#18 Someone could lie and say yes and then get someone arrested by saying no they didn't allow this person. Hearsay not going to hold in court. I

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

Section 134-B,a,b,e. I'd like to see this public statistics on criminals in Hawaii, specifically Kauai where I live, by town. This would be so cool to write to the newspaper with statistics on all the stabbings, drug deals, rape, and deaths on actual criminals that happens in our daily lives. Lucky we live Hawaii. Again, going after law abiding citizens not the biggest threat to society.

Section e is already something the police departments do when they do a background and psychological evaluation check BEFORE issuing a permit. This is redundant.

"§134-B Annual report on licenses to carry. (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; and

(4) The number of appeals and appeals granted.

(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."

"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 licensing 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 for disqualifying crimes 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.""

Majority of the rest is typical, the chief of police does have the last determination. Why would this need to be in a bill when it is already a law?

Sensitive locations shouldn't be included in our firearms training, everywhere is open to crimes and violence.

We already sign documents to release mental health records.

It should be up to the individual counties to make the determinations.

Shyla Moon

Kauai resident



Submitted By	Organization	<b>Testifier Position</b>	Testify
DAVE SMITH	Individual	Oppose	Written Testimony Only

Comments:

Sounds like a lot infringement to me...

"because the person is found to be lacking the essential character or temperament necessary to be entrusted with a firearm."

This bill dies on this permise alone. The rest is just further infringement.

Lacking essential charter sounds vague and over reaching intentionally. Who is determining what "essential character" is? How are you defining this? Are people who don't support the "current thing" lacking character? Are people right of Mao lacking essential character?

It's like trying to enforce "hate speech" laws who's is to say what is or isn't "hate speech". "Hate speech" may be offensive and hurtful; however, it is protected by the First Amendment so grow a pair. Just like the "the right of the people to keep and bear Arms, shall not be infringed... The idea of someone exercising their rights may make you bedwetters afraid of your own shadows, but if you don't want to own a firearm then don't but quit imposing your insecurities and lack of understanding of the Constitution and natural law on the rest of us.

The government does not grant us these Rights, they enumerate them.

Giving you feckless elected officials anymore power is banality of evil.

#### <u>SB-1230</u> Submitted on: 2/5/2023 6:56:16 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Ron Knopp	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I strongly oppose this bill because it restricts my right to protect myself and my loved ones in the areas I may need it most. The sensitive areas listed in this bill are the very areas where you need legally armed law abiding citizens.

Thank you,

Ron Knopp

#### <u>SB-1230</u> Submitted on: 2/5/2023 7:23:59 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Kapeka Estrella	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill because it restricts my right to protect myself and my loved ones in the areas I may need it most. The sensitive areas listed in this bill are the very areas where you need legally armed law abiding citizens.

#### <u>SB-1230</u> Submitted on: 2/5/2023 7:51:11 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Chloe S	Individual	Oppose	Written Testimony Only

Comments:

I *STRONGLY* oppose this bill! This bill goes against a citizen's right to "keep and bear arms"! It is extremely unconstitutional, and shame on Senator Wakai for even introducing this bill!



Submitted By	Organization	<b>Testifier Position</b>	Testify
Jr Tupai	Individual	Oppose	In Person

Comments:

Thank you Chair Rhoads, Vice Chair Gabbard, members of the Senate Committee on Judiciary and Chair Waikai, Vice Chair Elefante and members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs for the opportunity to testify in strong opposition to SB1230.

The proposed legislation would lead to the plausible violation of due process protections making people guilty until proven innocent. If we give the government an inch eventually they will take the proverbial mile by misusing legislation like SB1230. Having a constitutional right taken from you without having committed a crime or even proof that you were planning to commit a crime is the opposite of the presumption of innocence. It is being found guilty without a trial and punished until you can prove that you are innocent.

Legislation like SB1230 will continue the erosion of our constitutional rights, specifically our 2nd and 4th amendment rights, while not even bringing up due process and would also potentially open the door to unintended consequences. It is my position that if advanced, this legislation would open the door to unnecessary instances of unreasonable search & seizures and arbitrary arrests. With that said I urge the committee to vote no on SB1230. Mahalo again for the opportunity to testify.

#### <u>SB-1230</u> Submitted on: 2/5/2023 8:14:20 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
April Ching	Individual	Support	Written Testimony Only

Comments:

As a community college professor at an open door institution I don't want to wonder whether someone is carrying a gun every time I go into a a classroom. We have seen that schools have become targets and allowing more concealed carry permits and more guns outside private homes makes me feel less safe at work. I don't want to wonder how many guns are in the room when I go to dinner, send my children to school, visit the hospital. The idea that concealed guns could be in these places and more makes me feel less safe in our community.

#### <u>SB-1230</u> Submitted on: 2/5/2023 8:16:32 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Bryston Tanigawa	Individual	Oppose	Written Testimony Only

Comments:

Aloha thank you for the opportunity to provide input on such an important piece of legislation. I oppose SB1230. It violates multiple aspects of the US constitution not to mention directly violates the recent SCOTUS decision NYRPA V Bruen decision. Many states have already tried these sensitive place bills and they have all been struck down as unconstitutional.

Stop trying to figure out ways around the Bruen decision. Stop wasting time, money, and effort on this issue and direct your energy towards more pressing matters. This bill does nothing but prevent law abiding gun owners from protecting themselves, their families, and the general public at large when the police are not there to protect. Statistically speaking, gun free zones are a magnet for criminals who know that law abiding citizens won't be carrying firearms in these areas. FBI statistics show that CCW holders commit crimes at 1/6th the rate of police officers (who get to carry concealed, and who I'm assuming are exempt from this bill). This makes CCW holders among the safest and most law abiding demographic in the country.

Please vote no and open conceal carry for gun owners.

#### <u>SB-1230</u> Submitted on: 2/5/2023 8:52:01 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Jason Bryant	Individual	Oppose	Written Testimony Only

Comments:

Chair Wakai

Please consider stopping Bill SB1230. Although the intent of the Bill has sensible merit the Bill puts each law abiding CCW license holder at large amounts of legal risk to while the CCW holder attempts to execute what is licenses for personal protection.

This Bill will force lisence holders to store firearms in their POVs while they traverse from place to place. This will make firearms extremely more accessible to criminals and fujitives.

The Bill bans firearms nearly everywhere in public which was the sole reason for people looking at advanced measures of self defense.

Please read through the bill and each time the word "firearm" is used please replace it with the word "religion" or "speech" and see if this Bill cuts the mustard from a civil rights perspective.

I dont believe it does and I believe the Bill unfairly targets are very narrow group of people.

Thanks for your time and consideration

Jason B

#### <u>SB-1230</u> Submitted on: 2/5/2023 8:55:48 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Elizabeth Hansen	Individual	Support	Written Testimony Only

Comments:

Aloha - please support our beloved Hawaii, and our keiki by passing this bill. Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

-who is, and is not, entitled to carry a gun in public

—how our county chiefs of police can verify people applying to carry a gun in public including a thorough background and mental health review

—where people who get permits to carry guns in public can and can't bring those guns.

Mahalo, Elizabeth Hansen, Hakalau HI 96710

#### <u>SB-1230</u> Submitted on: 2/5/2023 8:56:50 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
David Silva	Individual	Oppose	Written Testimony Only

Comments:

I feel the "sensitive locations" stops us from protecting our Ohana. Criminals will not avoid "sensitive locations" with firearms. Lincense firearms citizens should be able to protect themselves in all locations such as they are able to in most other states in the USA.



#### <u>SB-1230</u> Submitted on: 2/5/2023 9:44:20 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Rodger Hansen	Individual	Support	Written Testimony Only

Comments:

Aloha please support this bill and you will support our beloved Hawai'i and our dearest keiki.

Since the Supreme Court decided that Hawaii must allow people to carry concealed guns, it is essential to pass this bill which will set clear requirements on:

—who is, and is not, entitled to carry a gun in public and how best for the courty chiefs of police to verify best who should get a gun permit.

Mahalo, Rodger Hansen, Hakalau HI 96710

-how our county chiefs of police can verify people applying to carry a gun in publi



#### <u>SB-1230</u> Submitted on: 2/5/2023 9:45:45 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Keith Kikkawa	Individual	Oppose	Written Testimony Only

Comments:

February 5, 2023

Members of the Hawaii State Legislature.

Dear Representatives,

I write to you all in humility, asking that house bill SB 1230 be opposed. This bill will make it impractically restrictive for the law abiding concealed handgun carrier. This bill also significantly opposes the 2nd Amendment and its historical precedence.

I was recently a victim of physical assault. I was assaulted for no apparent reason. It happened without warning. I felt incredulous, helpless, and full of fear. A person who has never been assaulted will never be able to comprehend the brutality of such an event. If I did not have my trusted friends nearby to stop this individual, I believe my injuries would have been much more severe, and perhaps even lethal. I now understand the importance of being prepared for such an event as it can happen to anyone, at anyplace, and at anytime.

I, your constituent, who is law abiding, responsible, and hardworking, have dedicated a lot of time towards attaining my concealed carry permit. I have given authorization to the state to attain my medical records and mental health history. I have abided by all the rules placed forth to legally acquire a firearm, and have abided by the new requirements to attain my concealed handgun permit. I understand our laws and practice regularly with my handgun to be safe and proficient.

I believe I speak for all individuals who have and plan to acquire a concealed handgun permit, in saying that none of us plan on using our handguns to commit crimes. We are law abiding, and only wish to exercise our right to have the ability to protect ourselves and our family if faced with a life threatening encounter.

In conclusion, I humbly ask, that as we he have placed our trust in you to serve us, that you reciprocate, and show trust in us, and allow us to fully exercise our 2nd Amendment rights.

Appreciatively,

Keith



Submitted By	Organization	<b>Testifier Position</b>	Testify
Keith Kikkawa	Individual	Oppose	Written Testimony Only

Comments:

February 5, 2023

Members of the Hawaii State Legislature.

Dear Representatives,

I write to you all in humility, asking that house bill SB 1230 be opposed. This bill will make it impractically restrictive for the law abiding concealed handgun carrier. This bill also significantly opposes the 2nd Amendment and its historical precedence.

I was recently a victim of physical assault. I was assaulted for no apparent reason. It happened without warning. I felt incredulous, helpless, and full of fear. A person who has never been assaulted will never be able to comprehend the brutality of such an event. If I did not have my trusted friends nearby to stop this individual, I believe my injuries would have been much more severe, and perhaps even lethal. I now understand the importance of being prepared for such an event as it can happen to anyone, at anyplace, and at anytime.

I, your constituent, who is law abiding, responsible, and hardworking, have dedicated a lot of time towards attaining my concealed carry permit. I have given authorization to the state to attain my medical records and mental health history. I have abided by all the rules placed forth to legally acquire a firearm, and have abided by the new requirements to attain my concealed handgun permit. I understand our laws and practice regularly with my handgun to be safe and proficient.

I believe I speak for all individuals who have and plan to acquire a concealed handgun permit, in saying that none of us plan on using our handguns to commit crimes. We are law abiding, and only wish to exercise our right to have the ability to protect ourselves and our family if faced with a life threatening encounter.

In conclusion, I humbly ask, that as we he have placed our trust in you to serve us, that you reciprocate, and show trust in us, and allow us to fully exercise our 2nd Amendment rights.

Appreciatively,

Keith


# <u>SB-1230</u> Submitted on: 2/5/2023 9:56:30 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Kahala Knopp	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I strongly oppose this bill - if you restrict the legal and constitutional ability for me carry a firearm in any of the places listed in this bill, you are leaving me vulnerable. This bill will not stop criminals from carrying guns into these restricted places - all this bill will do is prevent law abiding citizens and women like myself from being able to protect ourselves.

Unfortunately this bill appears to be written with the assumption that law abiding citizens who carry firearms pose a threat to others. Nothing could be further from the truth. We care about the lives of those around us and our loved ones. The only reason we would be carrying in any of the potential "restricted" areas would be to protect ourselves and others.

Passing the bill would disarm the general public while leaving us at the mercy of criminals who do not care about life and who prey upon our most vulnerable. It is not based on historical precedent appears to not have any input from the gun rights community.

All of the women I know who have applied for their concealed carry permit have done so for one main reason: to protect themselves, their kids, and their grandchildren from harm. As women we are more vulnerable and easier target than men - you would be stripping away our ability to protect ourselves. How many women ride the bus to work at night? How many women walk the parks alone? How many women take theirs kids to a restaurant that may serve alcohol? If this bill were to pass, in all these cases you would be saying these women no longer have the right or ability to protect themselves with a legally owned firearm and that they unfortunately just have to be at the mercy of an attacker. I know that as elected officials you would never agree to say that. I know that as elected officials you want to serve and help the community.

That is why I urge you to reject this bill and honor and uphold the Supreme Court ruling. I humbly ask you to listen to our needs and our voices. I'm a local girl, born and raised in Hawaii - I want to maintain the right to keep me and my family safe. I appreciate your consideration.

# <u>SB-1230</u> Submitted on: 2/5/2023 10:01:37 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Grant Nagata	Individual	Oppose	Written Testimony Only

Comments:

Aloha Committee Members,

I'm writing in opposition of SB1230. I'm a husband and father of 3 young boys. The places listed as sensitive locations are the places we frequent and enjoy together as a family. These sensitive places are chosen by those with ill intent because it provides an environment where the greatest damage and injury can be inflicted. Those committed to inflicting this kind of damage and injury will do so regardless of any signage or consequence. By restricting law abiding citizens from protecting ourselves and family, it creates a greater opportunity for those looking to do harm because they know that no one will be there to stop them.

Thank you for your thoughtful consideration.

Respectfully,

Grant Nagata



# <u>SB-1230</u> Submitted on: 2/5/2023 10:03:27 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
janice palma-glennie	Individual	Support	Written Testimony Only

Comments:

aloha,

this bill is just a start to what needs to be done to control the senseless, incontrolled, violent use of firearms in our country. at the same time, hawaii needs to stand firm against one of the strongest lobbying groups and corporate behemoths in the nation -- the gun loibby.

mahalo for supporting SB1230 -- and more.

sincererely,

janice palma-glennie

kailua-kona



# <u>SB-1230</u> Submitted on: 2/5/2023 10:28:42 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Dustin Iuli	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill as it infringes the people's constitutional rights granted to the people by the second amendment.

# <u>SB-1230</u> Submitted on: 2/5/2023 10:35:40 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier</b> Position	Testify
Daniel Oshima	Individual	Oppose	Written Testimony Only

Comments:

Feb 5, 2023: Individuals who legally own firearms (any one or more types of firearms: handgun, rifle, shotgun) in Hawaii, have met registration requirements and fulfilled the concealed carry requirements should be permitted to carry their defensive handgun as desired within meeting the requirements set up to this date Feb 5, 2023. There is no need for increased requirements for applicants seeking a license to carry a firearm. There should be no publishing of any annual report on licenses to carry firearms where individuals personal information is made public by any law enforcement, local government, or Attorney General. No one would want their personal information to be made public nor have concern that such information cause unwanted incidents to occur to the individual, their family, and their property. Thank you, Daniel Oshima

# SB-1230Submitted on: 2/5/2023 10:55:34 PMTestimony for PSM on 2/6/2023 3:00:00 PMSubmitted ByOrganizationLaurie TIndividualSupportWritten Testimony<br/>Only

Comments:

As a parent and concerned citizen, I strongly support this bill because guns have proven to kill and not protect. I am especially concerned that the leniency of gun laws in the U.S. will only lead to an increase in gun violence, as the data supports.

Gun violence is now the leading cause of death for children (CDC, 2023). Our death by gun rate is over 20 times higher than other industrialized countries in the world. Despite the arguments that more guns will help protect schools, churches and other public places, the data proves that guns are rarely used in self-defense and much more often for intentional killing. In 2012, for every "justifiable" homocide--that is, defined by the FBI as "the killing of a felon, during the commission of a felony, by a private citizen" (FBI, 2012)--there are: 34 criminal gun homicides, 78 gun suicides, and 2 accidental gun deaths (FBI, 2012; CDC, 2012). The argument that conceal and carry laws will increase public safety is not supported by the facts. A study from Stanford University in 2014 found that state concealed carry laws actually lead to an increase in violent crime (Violence Policy Center, 2016).

The U.S. has the highest number of civilian gun ownership in the world, with an estimated 120.5 firearms per 100 residents (Small Arms Survey, 2018). There are more guns in circulation than there are people in the U.S.! Various studies have shown that more guns in a community lead to more homicide (Gilson, 2016; Hemenway, 2004), which is why the US Supreme Court's decision regarding a Second Amendment right to carry firearms in public is particularly disconcerting.

I support Hawaii's efforts to continue taking vigorous precautions to protect public safety, and am grateful to the legislators who are helping to put this bill into place.

Mahalo piha.

# <u>SB-1230</u> Submitted on: 2/5/2023 11:12:27 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Daryl Takeno	Individual	Oppose	Written Testimony Only

Comments:

On multiple occasions I had the opportunity to visit my partner's grandfather who lived in Monterey Park, California. With one of the highest concentrations of Asian-Americans in the U.S., I remember it as a quiet community where kupuna could feel safe walking the streets. The recent mass shooting at a dance studio in Monterey Park, however, should dispel that fantasy that any of us can feel truly safe so long as we continue to fail to address the gross proliferation of guns in our country. Depressingly, the probability of increased gun violence here in Hawaii will only increase if our politicians bow to the demands of a small, but vocal minority who want *less* gun regulation. The Supreme Court's expansive interpretation of gun rights in the *Heller* decision was wrong and hopefully one day will be overturned. Until that day, the State of Hawaii should continue to do whatever it can to protect its people by passing common sense gun control restrictions and fighting tooth and nail to uphold these measures in the courts.

# <u>SB-1230</u> Submitted on: 2/5/2023 11:37:22 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Timothy Miyao	Individual	Oppose	Written Testimony Only

Comments:

Honorable Public Safety and Intergovernmental and Military Affairs Committee,

I write in regard to Bill 1230 related to Firearms; Concealed Carry; License to Carry; Sensitive Locations. This legislation has me very concerned. Bill 1230 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.

Churches, 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. Bill 1230 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, Bill 1230 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 Bill 1230 I humbly ask that you please carefully consider the United States Constitution and Supreme Court ruling in *New York State Rifle and Pistol Association v. Bruen.* Many components of Bill 1230 infringe on Constitutional rights without meeting the requirement of National historical tradition. I appreciate your time and all that you do for the people of Hawaii!



# <u>SB-1230</u> Submitted on: 2/5/2023 11:58:26 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Shannon L R Schmeling	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill because it restricts my right to protect myself and my loved ones in the areas I may need it most. The sensitive areas listed in this bill are the very areas where you need legally armed law abiding citizens.



# <u>SB-1230</u> Submitted on: 2/6/2023 1:49:05 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Robin Miyajima	Individual	Support	Written Testimony Only

Comments:

We've seen how in other places people bring guns into schools, churches, and other places freely. We've seen how easy it is for people who shouldn't be owning guns to get their hands on guns and then use them to threaten others.

I want to make sure that I don't have to fear going into a school and finding out that a child I know is dead because of a school shooting.

That's why I support this bill.



Submitted By	Organization	<b>Testifier Position</b>	Testify
Marcella Alohalani Boido	Individual	Support	Written Testimony Only

Comments:

Marcella Alohalani Boido, M. A.

Hawai'i State Judiciary Certified Spanish Court Interpreter (Tier 4)

Moili'ili, Honolulu, Hawaii 96826

Support for SB 1250, Relating to Firearms

Senate Committee on Public Safety and Intergovernmental and Military Affairs

Chair, Sen. Glenn Wakai; Vice Chair, Sen. Brandon J. C. Elefante

Monday, 02-06-23 3:00 PM; Conference Room 225 & Videoconference

Chair Wakai, Vice Chair Elegante, and Members of this Committee,

Thank you for hearing this bill. It is crucial for the safety of people in Hawaii.

A recent U. S. Supreme Court decision has triggered, if you will, the need for a substantial revision of Hawaii laws regarding firearms. Historically, Hawaii's laws have kept us much safer than people are in many other states. Now we need to adjust to the current national legal reality. We need to do it while doing our best to keep people safe and prevent Hawaii from turning into some violent version of the wild, wild West as it is sometimes pictured.

Please pass this bill.

Thank you.



### <u>SB-1230</u> Submitted on: 2/6/2023 3:56:38 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Brett Kulbis	Individual	Oppose	Written Testimony Only

Comments:

Chair Wakai,

I oppose SB 1230.

This bill does nothing except disarm law-abiding, trained, and licensed residents, and does nothing to disarm violent criminals, who already ignore the existing laws and always will.

Additionally, this law doesn't prescribe active measures of deterrant, such as metal detectors or guaranteed police presence for any of these "sensitive locations" to ensure that disarmed residents, our keiki and kupuna are kept safe.

In Bruen, the Supreme court reaffirmed a citizen's right to bear arms in public, and stated that the "sensitive places/locations" doctrine cannot be used as a blanket prohibition on weapons carry.

As Justice Thomas has stated in his consenting opinion on Bruen, "We know of no other constitutional right that an individual may exercise only after demonstrating to government officers some special need. That is not how the First Amendment works when it comes to unpopular speech or the free exercise of religion. It is not how the Sixth Amendment works when it comes to a defendant's right to confront the witnesses against him. And it is not how the Second Amendment works when it comes to public carry for self-defense."

Additionally, the bill 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. However, other than actual police reports much of the information required is HIPPA restricted or subjective.

I encourage you to defer this bill.

Mahalo



# <u>SB-1230</u> Submitted on: 2/6/2023 4:50:16 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jonagustine Lim	Individual	Oppose	Written Testimony Only

Comments:

I oppose the "sensitive places" list as it restricts and prohibits persons with CCW from doing activities with their family and kids, such as picking them up from school or daycare, taking them to parks, taking them to dinner (bars or restaurants), taking them to dinner, attending sporting events and public gatherings, etc.

Asking for 4 references that excludes family members also unusually limits applicants since CCW applicants may not want CCW status to be known outside of kin.

Asking for a list of adult family members living with the CCW person and having the chief of police interview them is usually burdensom.

Lastly, renewal of permits every year is too short especially requriing applicants to have to take classes and proficiency tests each time. Extend the renewal to 4 or 5 years instead of 1 year.



Submitted By	Organization	<b>Testifier Position</b>	Testify
Katie Baldwin-Gomes	Individual	Support	Written Testimony Only

Comments:

I am a resident of Oahu. I have become very concerned about keeping our Hawaii 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.

# <u>SB-1230</u> Submitted on: 2/6/2023 6:24:55 AM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier</b> Position	Testify
Alice Abellanida	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. It is an egregious violation of the 2nd amendment! Our legislators took an oath to uphold the Constitution, and are violating that oath! Law abiding citizens should not be punished for the actions of criminals. Criminals do not follow laws and will acquire guns illegally. Carrying concealed weapons ANYWHERE is a legal and Constitutional right! Kill this bill!

# <u>SB-1230</u>

Submitted on: 2/6/2023 7:47:03 AM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Alan Urasaki	Individual	Comments	Written Testimony Only

Comments:

I urge you to review how qualified retired law enforcement officers carrying a concealed firearm under the Law Enforcement Officer Safety Act law (LEOSA) would be exempted from this law. Thank you.



# <u>SB-1230</u> Submitted on: 2/6/2023 8:13:11 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Krista Labanon	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. This goes against our country's freedom for each citizen. The government is punishing the whole because it has not done its job in keeping a few from owning a firearm legally. Taking all firearms away from all citizens is not the solution. Just read history and see where that leads. I oppose this bill!

# <u>SB-1230</u>

Submitted on: 2/6/2023 8:18:17 AM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Brandon Allen Kainoa Leong	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1230. Instead of constantly trying to restrict the Constitutional Rights of your constituents and wasting more tax money on the lawsuits that will likely overturn this bill if passed because it violates the SCOTUS Bruen decision, you guys could work on making Hawaii more affordable for its residents.

Brandon Leong

VP Hawaii Rifle Association

# <u>SB-1230</u> Submitted on: 2/6/2023 9:08:31 AM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Matthew Akiona	Individual	Oppose	Written Testimony Only

### Comments:

•

I Matthew Akiona, oppose bill SB1230. Because it goes against our Second Amendment rights.

- 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>Amdt2.1</u>Overview of Second Amendment, Right to Bear Arms
  - Amdt2.2Historical Background on Second Amendment
  - Amdt2.3Early Second Amendment Jurisprudence
  - Amdt2.4Heller and Individual Right to Firearms
  - <u>Amdt2.5</u>Post-Heller Issues and Application of Second Amendment to States
  - <u>Amdt2.6</u>Bruen and Concealed-Carry Licenses

### <u>SB-1230</u> Submitted on: 2/6/2023 9:31:01 AM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier</b> Position	Testify
tony frascarelli	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to this bill. The sensitive places section is just another attempt at government overreach. While I understand that some restrictions may be necessary like in schools, courts, what is the point of having a concealed weapons permit for protection if you are prohibited from having the weapon with you.

Unless, of course, that's the intent of the proponents of this bill.

Leigislators would do well to review concealed weapons laws that have been in place for some time in other states such as in the State of Nevada.

The State needs to develop uniform concealed carry regulations and not leave regulations up to each islands' police chief.

Thank you.



# <u>SB-1230</u> Submitted on: 2/6/2023 10:22:25 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
davin asato	Individual	Oppose	Written Testimony Only

Comments:

To Whom It May Concern,

I am writing to you to encourage the opposition of SB1230. Sensitive places as defined in the bill include places that are at high risk of shootings by those that have no regard for the laws. Shooting have happened at bats, where alcohol is served, public parks, when GOP members were having a softball practice and yes, even churches. Law abiding citizens that have permits or licenses to carry a firearm should be able to have their firearm on their person in these areas. You never get to pick where or when a crime will be committed. You just need to be ready to respond to it and defend yourself and those around you.

For these reasons, I oppose SB1230 and ask that you do the same.

# <u>SB-1230</u> Submitted on: 2/6/2023 10:40:45 AM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Glenn	Individual	Oppose	Written Testimony Only

Comments:

To the Elected Representatives of Hawaii

I stand in strong opposition to this bill.

Passing this bill is standing up for the rights of criminals or those who have criminal intent that have not yet been caught or held accountable for their crimes. Please don't turn Hawaii into a Portland, Seattle, Chicago, New Orleans or Washington D.C. by restricting law abiding citizens. If my understanding is correct New York's recent effort to pass similar laws was struck down as unconstitutional. Why would anyone try to pass similar legislation that is also unconstitutional?

As already establish by NYSRP v Bruen, the scope should be very narrow of the places that may be considered "sensitive", but the burden is on the County or State government to find a precedent (historical analog) according to Text, History and Tradition at the founding of the Second Amendment which is the year 1791 or current era. These places are polling places (where voting takes place for good reason), government buildings where laws are made, and court houses (they have heightened security anyway from the DPS) and schools/colleges or universities (but only to restrict STUDENTS from carrying arms. Not to restrict faculty, staff and other workers). This is what is found in the supporing historical analogs.

This bill is has gone far beyond that by trying to restrict law abiding citizens from carry everywhere that would make complete sense to protect themselves. Aside from that, if someone who is consealed carrying does it the right way without "printing", (showing that they have a firearm), no one would ever know that this person has a CCW. It is very disingenuous of the media to only show B role video of people open carrying on their hip whenever the consealed carry issue is brought up in the news without explaining what consealed carry looks like.

Furthermore, making it a default of restricting private businesses is obvious government overreach. If a private business owner or landlord wants to restrict consealed carry, I suppose it is their right to do so, but the default should be yes to carry (protecting the 2nd Amendment right according to the US Constitution and Hawaii Constitutional Law Article 1 Sec 17) unless otherwise requested. But then comes the slippery slope of putting the rights of some citizens above the rights of others and could potentially violate the 14th Amendment regarding equal protection under the law. In the court of law, a person carrying a firearm on the property of a private business owner could at most be asked to leave but that would then be a case of tresspassing (if they don't) cause there is nothing unlawful about lawful consealed carry. I think it would be crazy to state that lawful carry is not allowed on any private property cause all it would do is make them a target for criminals who don't care about rules or laws. It would be to their detriment if they post a sign. If I am a private business owner, I would probably carry for my own protection. Let's be real.

Honestly, declaring ANY place a "Gun Free Zone" would further endanger the public cause it would be like hanging a neon sign on that place saying if you're a mass shooter or crazy person who wants to ramdomly kill a bunch of people come to THIS place a "Gun Free Zone" to commit the crime cause there will probably be no resistance. In that instance, lets consider, what would stop a person from commiting a shooting or limiting the number of victims, the police who are about 7 mins away (on average) after the 911 call or a law abiding citizen who is protecting their wives and children onsite who has a legally acquired license to carry and is right there to stop the threat. I love our men and women in blue but they can't be in all places at all times to stop criminals. More often than not, they show up after the fact when the body count is already up and the perpetrator is long gone.

A Georgetown University researcher Dr. William English conducted a recent study which supports the fact that firearms are used about 1.7 million times annually to prevent crime or loss of life. Most incidents are prevented without a shot being fired. Check out this article and read the actual study conducted. https://reason.com/2022/09/09/the-largest-ever-survey-of-american-gun-owners-finds-that-defensive-use-of-firearms-is-common/. The evidence is compelling!

I plead with you as a father, a husband and a son don't "hand cuff" us as law abiding citizens of the means to protect our loved ones and ourselves in all public places. We can't choose where or when we will encounter a life threatening situation. The only thing we can to is be prepared to act, should such an incident occur, to stop the threat.

Believe me, I do not want to ever take a life but if it comes to keeping harm from my wife, elderly mother or my kids I would not hesitate. Don't criminialize the actions of a law abiding citizen who simply wants to stand in confidence that if I am ever put in a situation that would require decisive action against someone who wants to kill or hurt my family, that I could take that action boldly and not fear being criminalized by my county or state government. Believe, me I know that as the saying goes, "there is a lawyer behind every bullet that leaves the barrel of a gun." It would be nice to not ever have to act in that way if at all possible.

If you vote to pass this bill you will open the county up to law suits because it is in clear violation of our fundamental rights as US citizens and Citizens of Hawaii to keep and bear arms. Our own State Constitution protects this specific right for us as citizens of Hawaii again according to the Text, History and Tradition.

The Second Amendment is the one amendment that protects all the other rights namely the 1st Amendment. The only reason we live as free people, really the ONLY free people in the world is because our government can't tyrannize us. That was the intent our founding fathers had when they penned the US Constitution and the Bill of Rights. I would hope that the governement of the state of Hawaii would care about their citizens to also protect this God given right.

Stand for freedom and democracy, not for government over reach and tyranny. Don't hand cuff law abiding citizens. Work to fight crime and criminals and reduce violent crime in our state. Look at states that protect the rights of people to lawfully bear arms, you will see that they have less violent crime. I mean, if you have a bigger population and a more dense population you are gonna have more crime so be honest about how the numbers are interpreted.

Please do what is truly pono in this matter and strike this bill down.

Thank you for your consideration and for hearing us out.

Aloha,

Glenn

Aloha,



I am providing written testimony in opposition to SB1230.

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 fail to provide historical context or justification for inclusion on a list of sensitive areas.

New York included all of the sensitive areas defined in SB1230 in the Concealed Carry Improvement Act (CCIA), which was a response to the SCOTUS decision. Numerous 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 Judge Glenn Suddaby ruled requiring applicants to submit online account information was unconstitutional, which part of SB1230 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 does not indicate conformity to 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, have already been ruled unconstitutional. Given these facts, SB1230 will not pass constitutional muster.

Thank you, Tod Gushiken

# <u>SB-1230</u> Submitted on: 2/6/2023 10:52:22 AM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Michael VanDoorne	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1230 as it seeks to restrict the God given rights ALL Americns have been given to protect ourseves from any threat that may be faced in our daily lives, The Constitution was drawn up to restrict the reach of the government, not the rights of We the People. Keep this in mind as you cast your vote. Your vote must be in line with the historical document, not knee jerk reactions to emotional situations and events.



# <u>SB-1230</u> Submitted on: 2/6/2023 10:56:47 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Stuart Kam	Individual	Oppose	Written Testimony Only

Comments:

I respectfully strongly oppose this bill.

# <u>SB-1230</u> Submitted on: 2/6/2023 11:04:17 AM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Beth	Individual	Support	Written Testimony Only

Comments:

Dear lawmakers,

I am in support of SB1230 in the interests of public safety and well-being.

As a schoolteacher and community member, the threat of gun violence is all too real. As a society, we need to be proactive instead of reactive, and this bill is a step in the right direction.

Thank you,

Beth Sette



# <u>SB-1230</u> Submitted on: 2/6/2023 11:09:11 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
DOMINGO LAYUGAN JR	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to this bill. Thank you.

Domingo Layugan Jr.



# <u>SB-1230</u> Submitted on: 2/6/2023 11:09:38 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Alison Wolford	Individual	Oppose	Written Testimony Only

Comments:

When reading over the details of this proposed bill I am opposed to what is written due to many of these rules/laws already being in effect. Also when talking about sensitive areas, it seems all places besides my home basically can be categorized in one of the listed in this proposal. Limiting public transportation? So if residents do not have the means to have their own transportation they will be unable to use PUBLIC transportation (buses especially) if choosing to carry?

Further down this bill stating "be qualified to use the firearm in a safe manner".... Many of the requirements/checks are already outlined when getting the proper education to obtain a firearm in the state, requiring "not less than four reputable persons"-mental health records are checked via process set forth by PD and who will be following up with this information (references)? Delaying permits further?

In-person interviews? Again time, qualifications to make judgements and delay in process will only be added. I feel these added requirements infringe on overall privacy (calling work place, references, etc).

# <u>SB-1230</u> Submitted on: 2/6/2023 11:30:52 AM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
William Iaela	Individual	Oppose	Written Testimony Only

Comments:

To whom it may concern,

This Bill is a boldfaced attempt to deny good citzens the ability as well as their right to defend themselves, their loved ones, and others against attacks by criminals. This Bill essentially negates any CCW capability of a citizen by creating a non-permissive environment in which only criminals will be armed and free to create any and all chaos they wish while good people will be at their mercy. This Bill is unconstitutional and is absolutely contrary to recently handed down U.S. Supreme Court decisions.

I stand in opposition to this attempt to deny citizens the free exercise of their 2nd Amendment rights.

William Iaela



# <u>SB-1230</u> Submitted on: 2/6/2023 11:34:01 AM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Cory Harden	Individual	Support	Written Testimony Only

Comments:

Please support this measure for clear, common-sense requirements. We regulate things that MAY cause harm--vehicles, machinery, construction, animals, etc. etc....we should certainly regulate something that WILL cause harm.

# <u>SB-1230</u> Submitted on: 2/6/2023 11:34:55 AM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
jeanne wheeler	Individual	Support	Written Testimony Only

Comments:

Please pass this very important bill....Mahalo, JW
#### <u>SB-1230</u> Submitted on: 2/6/2023 11:59:07 AM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Eugene H Ishihara	Individual	Oppose	Written Testimony Only

Comments:

Proposed SB1230 as written is vague and ambigous at best. The SCOTUS ruling that an applicant for a concealed carry permit cannot be denied. As long as the said applicant has no criminal record or mental health issues as current laws for firearm permits of the HRS are sufficient and need not amended or added to.

Proposed criteria that firearms must be in a locked container and in plain sight in a vehicle while not on a person is ludicrous; as it announces the presence of a firearm and would only invite criminals to break into the vehicle and steal the firearm. this proposal only initiates criminal activity and not prevent it. Current laws regarding the safe transport of firearms in a vehicle which states that such firearms be stored in a lockable case and be separate (not loaded) from any magazine or cartridge should be sufficient and can be applied to the concealed carry criteria.

As a law abiding gun owner, I have no problem with the current background check, waiting period and certification of safe firearm operation. However to burden law abiding citizens with laws that restrict their freedom of choice to own firearms is not the way to approach the governments fears of unfounded proof that a sudden outburst of gun violence will occur.

Respectfully submitted,

E. Ishihara

Kamuela, HI



#### <u>SB-1230</u> Submitted on: 2/6/2023 12:05:54 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Jeremiah Johnson	Individual	Oppose	Written Testimony Only

Comments:

Opposition to: SB-1230

This undermines the constitutional right to bear arms and self-defense. Imposes subjective criteria for issuing firearms permits, which could result in arbitrary and discriminatory denial of the Second Amendment rights of law-abiding citizens. Increases the burden on applicants seeking a license to carry a firearm, including setting unrealistic minimum requirements and mandating additional scrutiny without evidence of a need. Criminalizes lawful carrying of firearms in public places and fails to recognize the importance of personal protection and self-defense. Forces law-abiding citizens to secure firearms in locked containers, rendering them inaccessible in emergency situations. May infringe on privacy rights and restrict the ability of citizens to protect themselves and their families. Threatens the safety of citizens by making it more difficult for them to access firearms for self-defense.

I cannot support this with a clear conscience.

Aloha from Maui



#### <u>SB-1230</u> Submitted on: 2/6/2023 12:12:45 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Alan Medeiros	Individual	Oppose	Written Testimony Only

Comments:

I am in favor of being able to PROTECT MYSELF AND MY FAMILY. What this bill does is strip us of our Constitutional Right to own and bear arms. I am a law abbiding citizen and never had a run in with the law or have I broke any laws.

I WILL NOT I DO NOT WANT THIS BILL SB1230. THE GOVERMENT AND THESE LAW MAKERS A GETTING CARRIED AWAY WITH TRYING TO CONTROL OUR LIVES.

<u>SB-1230</u> Submitted on: 2/6/2023 12:17:00 PM Testimony for PSM on 2/6/2023 3:00:00 PM		LA	ľE
Submitted By	Organization	Testifier Position	Testify
Jeanne Schultz Afuvai	Individual	Support	Written Testimony Only

Comments:

I am in wholehearted support of SN 1230 to 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. Hawaii has some of the strictest gun laws in the US & the lowest number of homicides by guns. Why would we want to change. Please do not let the mainland Gun culture infiltrate our precious Hawaii Nei. Please pass this bill. Mahalo Nui.

## <u>SB-1230</u> Submitted on: 2/6/2023 12:24:55 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Sarah-Lyn Lokelani Jacobson	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB1230. I am a law abiding citizen. The 2nd amendment protects my right to to have and carry a firearm so that I can protect myself. This bill does not support my right as an American Citzen.

#### <u>SB-1230</u> Submitted on: 2/6/2023 12:26:54 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier</b> Position	Testify
steven lee	Individual	Oppose	Written Testimony Only

Comments:

Last year a random, unidentified person shot at my wife and shout out 4 windows in my residence in Kailua.

I oppose SB1230 because it violates the Supreme Courts recent ruling in Bruen that protect our citizen's rights to carry guns and specifically states that "sensitive places" where guns may be restricted are very limited.

SB1230 would be unconstitutional and simialr laws in other states have already been found to be in violation of the United States constitution.

Hawaii's restrictive gun laws put the law-abiding citizens at a disadvantage by disarming them and making us easier victims for criminals who simply ignore the laws.

Our restrictive laws actually benefit criminals by assuring them that law-abiding citizens are easy, un-armed victims. Please don't give the criminals any further advantage over our law-abiding residents in Hawaii.

#### <u>SB-1230</u> Submitted on: 2/6/2023 12:27:34 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
MerryAnne Stone	Individual	Comments	Written Testimony Only

Comments:

SB1230..guns in Hawaii! We do not need concealed weapons for anyone. This will blow up in your faces. automatic weapons will be concealed weapon of choice. Restict automatic weapons from Hawaii!...And keep us safe...Establish gun ranges for safety.

How can you justify automtic weapons when a boy scout was killed WITH ADULT SUPERVISION!! OR SOMEONE OWNED THAT GUN!!!

PULL BACK ON TO RESTRIT MORE.

## <u>SB-1230</u> Submitted on: 2/6/2023 12:27:50 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Dana Fulton	Individual	Support	Written Testimony Only

Comments:

Federally, domestic abusers are now allowed firearms. Women are going to die: "The court ruled that the federal law was an "outlier that our ancestors would never have accepted" — borrowing a quote from the Bruen decision". We must be proactive and pass legislation like SB1230 now.

https://www.politico.com/news/2023/02/02/federal-appeals-court-strikes-down-domesticviolence-gun-law-00081053?fbclid=IwAR3JMT7uVpezYufSgZmEM4jcMhDbJXDt2RGsNyiaZZ8s\_5a0I\_KoGoP hl3Q



#### <u>SB-1230</u> Submitted on: 2/6/2023 12:31:05 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Terry Murakami	Individual	Oppose	Written Testimony Only

Comments:

I would like to oppose bill SB1230. Hawaii has more than enough restrictions on firearms. We need to make sure that the rights and freedoms for law-abiding citizens to arm themselves is protected.

If politicians care so much about public safety and the increase in violent crime they should be focusing more on locking up and being less lenient with violent criminals, especially those who have a proven history of breaking laws and harming others.

## <u>SB-1230</u> Submitted on: 2/6/2023 12:33:32 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
mitchell 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.

### <u>SB-1230</u> Submitted on: 2/6/2023 12:34:15 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Sean J deMello	Individual	Oppose	Written Testimony Only

Comments:

I am opposing this bill because red flag laws remove the right to due process -increasing the requirments to carry is just going back to a process that is already unconstitutional, i believe the state of Hawaii is trying to make everyplace a sensittive place to make it impossible for law abiding citizens to carry anywhere.

The Bruen case has made it clear we have a Contstitutional right to bear arms for protection.

Please stop trying to infringe on the second amendment.



# <u>SB-1230</u> Submitted on: 2/6/2023 12:41:17 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Angel Hernandez	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this Bill as it violate my rights as a citizen of the United States of America



# <u>SB-1230</u> Submitted on: 2/6/2023 12:42:28 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Shane	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill



# JAMES HOCHBERG ATTORNEY AT LAW, LLLC

February 6, 2023

### **TESTIMONY STRONGLY OPPOSING SB 1230**

#### Senate Committee On Public Safety and Intergovernmental and Military Affairs Senator Glenn Wakai, Chair Senator Brandon J. C. Elefante, Vice Chair

Hearing: SB1230: Monday, February 6, 2023 at 3:00 p.m. Conf. Rm. 225

Dear Chair, Vice Chair and Committee Members,

My name is Jim Hochberg and I am a civil rights attorney seeking to protect the Constitutional Rights of the people of Hawaii in the federal and state courts. I have practiced law in Hawaii since 1984 (39 years). I represented five clients (including the Hawaii Rifle Association) in a 2<sup>nd</sup> Amendment federal court case from 2019 to 2022 in *Livingston vs. Logan*, Civil No. CV19-00157 JMS/RT, that resulted in Hawaii being ordered to grant conceal carry permits consistently with the SCOTUS case ruling in June 2022 known as *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. \_\_\_\_, 142 S. Ct. 2111, 2134-35 (2022) ("*Bruen*"). I submit this testimony in opposition to SB1230 which unwisely seeks to violate the 2nd Amendment rights of Hawaii's citizens and that will certainly create a subsequent, unnecessary and wasteful, legal quagmire. I will stand prepared to bring an appropriate legal action depending on what the final language of the bill is when if becomes law.

#### THE SUPREME COURT'S DISCUSSION OF "SENSITIVE PLACES" IN BRUEN

The burden is on the State of Hawaii to establish that SB 1230's limitations on where people can legally carry are historically justified. Speaking to the issue of "sensitive places" where the right to bear arms may be restricted, the *Bruen* Court explained that "the historical record yields relatively few 18th- and 19th-century 'sensitive places' where weapons were altogether prohibited . . . ." *Bruen*, 142 S. Ct. at 2133, emphasis added. So far, the Court has only provided the examples of schools and certain government buildings such as "legislative assemblies, polling places, and courthouses" as being such "sensitive places." *Bruen*, 142 S. Ct. at 2133. The Court also warned that "there is no historical basis for New York to effectively declare the island of Manhattan a 'sensitive place' simply because it is crowded and protected generally by the New York City Police Department." Id. at 2118-19. Likewise, there is no basis

# JAMES HOCHBERG ATTORNEY AT LAW, LLLC

Senate Committee On Public Safety and Intergovernmental and Military Affairs Senator Glenn Wakai, Chair Senator Brandon J. C. Elefante, Vice Chair February 6, 2023 Page 2

for the City of Honolulu to enforce an ordinance effectively making nearly all places a "sensitive place" where carry is forbidden.

Following *Bruen*, New York moved quickly to undermine the ruling by passing a law that would both make acquiring a permit more difficult and make most places off limits for carry. Given how much of Bill 57 repeats what New York enacted, there is no doubt that it was inspired by the New York law. Unfortunately for New York and for Bill 57, the first three federal district court cases to look at New York's law have all ruled against it as contrary to *Bruen*. Besides Antonyuk I, which was already cited previously, these rulings are: Antonyuk v. Hochul, No. 1:22-CV-0986 (GTS/CFH), 2022 U.S. Dist. LEXIS 201944 (N.D.N.Y. Nov. 7, 2022) ("Antonyuk II"; Hardaway v. Nigrelli, No. 22-CV-771 (JLS), 2022 U.S. Dist. LEXIS 200813 (W.D.N.Y. Nov. 3, 2022) ("Hardaway"); and Christian v. Nigrelli, No. 22-CV-695 (JLS), 2022 U.S. Dist. LEXIS 211652 (W.D.N.Y. Nov. 22, 2022) ("Christian"). Each of these rulings went into tremendous detail about why New York's "sensitive places" laws were unconstitutional under *Bruen*.

One of these cases summed up why expanding "sensitive places" to cover every public place is contrary to *Bruen*: "although the Supreme Court has not altogether barred the expansion of sensitive locations beyond schools, government buildings, legislative assemblies, polling places and courthouses, it has indicated a skepticism of such an expansion based on the historical record." Antonyuk I, 2022 U.S. Dist. LEXIS 182965, at \*34, citing *Bruen*, 142 S. Ct. at 2133.

Nevertheless, the Senate improvidently and unconstitutionally proposes to adopt SB 1230. SB 1230 is wholly unconstitutional and I oppose this bill for the reasons set forth above. If you have any questions please feel free to call me.

Sincerely,

#### /s/ JAMES HOCHBERG

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#### <u>SB-1230</u> Submitted on: 2/6/2023 12:47:45 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	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.

Not everyone is fit to carry a gun in public. 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 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

#### <u>SB-1230</u> Submitted on: 2/6/2023 12:48:33 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
william k morn	Individual	Oppose	Written Testimony Only

Comments:

Iam opposed to Bill SB1230. I as responsible law abiding gun owner i should be able to protect myself, my family and anyone in need if a situation arises. We see it every day on the news about people getting robbed, assaulted, and killed because of criminals going around and putting innocent people in danger. In some situations the result may be different if the victims had a firearm. The police can't be everywhere there is something bad going down. In most cases the police show up to late anyway. Let the people have a chance to protect ourselves and our families. Let the criminals think twice before breaking the law because they don't know who is carrying a concealed registered firearm. What if it was you or your family that was violated? Wouldn't you want to have something to protect yourself or your family?. Not just in your own house but anywhere. How many more people must get hurt, killed or robbed before you actually open your eyes and mind and see that its not a bad thing that responsible law abiding gun owners are walking around with their guns in public areas? One day it might be you or your family getting hurt or violated. Maybe then you'll change your mind about this bill. Mahalo

#### <u>SB-1230</u> Submitted on: 2/6/2023 12:54:30 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Peter J Long III	Individual	Oppose	Written Testimony Only

Comments:

I submit this testimony in OPPOSITION to the proposed bill.

I oppose this bill as it effectively negates the spirit of a recent Supreme Court case expressing allowing for the carrying of firearms by the public for protection. The high court has already given its approval and affirmation of a law abiding citizen to carry firearms in public. This proposal is nothing more than an affront to that decision by including as many public places as "sensitive locations" as possible. This proposal does not comport to the second amendment of the State of Hawaii or the United States.

I urge the committee to drop this bill.



#### <u>SB-1230</u> Submitted on: 2/6/2023 1:00:29 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Marshall Hickox	Individual	Oppose	Written Testimony Only

Comments:

With the increased crime rates, it is important that properly trained persons be allowed to protect their family, business, property, and if need be other citizens. The Supreme Court has ruled as such, and it is imperative we honor that ruling. Gun safe ZONES do not stop those who intend to do harm, rather they prevent those who are willing to protect others from doing so.

# <u>SB-1230</u> Submitted on: 2/6/2023 1:06:14 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
tania victorine	Individual	Oppose	Written Testimony Only

Comments:

oppose!! it is our CONSTITUTIONAL RIGHT to carry firearms!!!

# <u>SB-1230</u> Submitted on: 2/6/2023 1:09:34 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier</b> Position	Testify
Ted Baldonado	Individual	Oppose	Written Testimony Only

Comments:

I Oppose this SB1230. I oppose to several items on this measure. The "sensitive" locations hinder my state recognized ability to carry a legal firearm concealed during daily activities. These measures do nothing to protect the lives of everyday citizens by attempting to dissuade criminals that already do not follow the law. I do agree to some locations, but I completely disagree to: public parks or recreational grounds, zoos, playgrounds, museums, financial institutions or any bar. I do agree with areas like :pooling places, court houses, Government buildings (not including parking structures) and public schools. I cannot provide myself or those close to me protection on everyday normal activities. I disagree to the measure to include a need for a business to allow for carrying concealed. While I agree that the business owner have the right to decide to allow concealed card holders from carrying, the measure should be the opposite. Have signage not to allow firearms withing their property.

I disagree with the requirement of references and interview as the process to obtain the firearm already is sufficient. I oppose to the measure to lock the firearm farthest away from the drivers as opposed to just locking them up for transport. This can potentially cause problems with thieves grabbing the locked case as the driver cannot stop the thief due to the distance. I hope to find better solutions to problems but as the measure stands, I OPPOSE this SB1230.

#### <u>SB-1230</u> Submitted on: 2/6/2023 1:16:41 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
GENER MACARAEG	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose and against Senate Bill 1230.

This bill goes **against** The Second Amendment which grants citizens that right, and giving them the ability to defend themselves and their property. The right of the people to keep and bear Arms, shall not be infringed.

This bill will leave law-abiding citizens defenseless. It prohibits carrying firearms on private property unless the owner gives affirmative permission. This bill will help criminals instead of helping law abiding citizens. In addition, it creates new subjective criteria for the issuance of carry permits to allow authorities to arbitrarily deny applicants which again leave law abiding citizens helpless against criminals. This bill will not help or prevent crimes from criminals.

Thank you,

Gener Macaraeg

#### <u>SB-1230</u> Submitted on: 2/6/2023 1:26:46 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Deven English	Individual	Oppose	Written Testimony Only

Comments:

I AM IN OPPOSITION OF THIS BILL AND I HOPE IT DIES MISERABLY. RED FLAG LAWS, SAFE GUN ZONES, SENSITIVE AREAS WILL NOT HELP, CRIMINALS WILL BE THE ONES WITH THE GUNS. POLICE CANNOT BE THERE IN SECONDS. SECONDS IS ALL IT TAKES FOR CRIMINALS TO DO THEIR WILL ON THE INNOCENTS. YOU GUYS WANT TO MAKE IT HARDER FOR LAW ABIDING CITIZENS THE RIGHT TO BEAR ARMS, TO PROTECT THEMSELVES AND THEIR FAMILIES, THEIR PROPERTY AND AGAINST TYRANNY. MAKE IT HARDER FOR CRIMINALS TO AOUIRE FIREARMS, TRACK THEM, GO INTO THEIR HOMES OR BUSINESSES, LAW ABIDING CITIZENS SHOULD NOT BE HELD RESPONSIBLE FOR ACTS RELATING TO FIREAEMS DEATHS DUE TO CRIMINAL ACTIVITY, HOW ARE CRIMINALS **OBTAINING THEIR FIREARMS? DO YOU THINK LAW ABIDING, BACKGROUND** CHECK PASSED, TRAINED, MONEY OUT OF THEIR POCKET FEES, RESPONSIBLE CITIZENS BOUGHT OR AQUIRED THE FIREARMS FOR THEM? THE WORLD IS NOT GETTING ANY BETTER, BEING OUTSIDE YOUR HOME IS EVEN MORE DANGEROUS THAN IT WAS YEARS AGO, AND THAT'S BECAUSE CRIMINALS HAVE STEPPED UP THEIR GAME, YOU ALL MAKE IT EASIER FOR THEM TO GET OUT OF JAIL, THEN THEY PICK UP A GUN AND KILL SOMEONE, WHO DO YOU BLAME? THE CRIMINAL? NO YOU BLAME 2A.

<u>SB-1230</u> Submitted on: 2/6/2023 1:36:49 PM Testimony for PSM on 2/6/2023 3:00:00 PM			LA	'E	
Submitted By	Organization	<b>Testifier Position</b>		Te	stify
LL	Individual	(	Oppose		Festimony nly

Comments:

I oppose this bill. This bill is another attempt to further restrict and reduce law abiding citizens rights and ability to defend themselves. How about enforcing already written laws for criminals, enact stand your ground laws, follow the constitution you swore to uphold and leave the law abiding citizens alone.

#### <u>SB-1230</u> Submitted on: 2/6/2023 1:38:44 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Adrian Flack	Individual	Oppose	Written Testimony Only

Comments:

I strongly OPPOSE this bill.

This bill seeks to subvert the decision made by the Supreme court in the case of new york rifle and pistol association v bruen, by making it Illegal to carry a pistol concealed in nearly every public location by declaring them as sensitive places.

This directly contradicts the Majority opinion given in NYRPA v Bruen by judge Clarence Thomas. On page 28 (https://www.supremecourt.gov/opinions/21pdf/20-843\_7j80.pdf) of the court's opinion, it is clearly stated as quoted below...

"But 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. Respondents' argument would in effect exempt cities from the Second Amendment and would eviscerate the general right to publicly carry arms for self-defense that we discuss in detail below. See Part III–B, infra. Put simply, there is no historical basis for New York to effectively declare the island of Manhattan a "sensitive place" simply because it is crowded and protected generally by the New York City Police Department"

This law effectively seeks to declare all of the Hawaiian Islands as a sensitive places, and directly contradicts the SCOTS decision.

# <u>SB-1230</u>

Submitted on: 2/6/2023 1:47:10 PM	
Testimony for PSM on 2/6/2023 3:00:00 PM	



Submitted By	Organization	<b>Testifier</b> Position	Testify
Les J.	Individual	Oppose	Written Testimony Only

Comments:

This measure is unwise; hold it in committee, thank you

#### <u>SB-1230</u> Submitted on: 2/6/2023 2:18:57 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Lionel Delos Santos	Individual	Oppose	Written Testimony Only

Comments:

Aloha legislature, i strongly oppose this bill because mosts places will be defenceless and make crimmnals to carry firearms without carry permits if sommeone get hurt or being attack do we just watch ,video it while we hope they dont hurt them to bad or to death ,we cant do notthing at lease have a fighting chance to protect family and others.

thank you



#### <u>SB-1230</u> Submitted on: 2/6/2023 2:22:48 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Dave Cunningham	Individual	Oppose	Written Testimony Only

Comments:

I respectfully oppose SB 1230--this bill does nothing but attack the right of the law abiding citizens of Hawaii which have been affirmed by the US Supreme Court when is comes to concealed carry for self defense.

it is very alarming that this Bill also appears to be placing additional requirements on the Already draconian process for a Permit To Aquire (which is a basic fundamental right) a firearm which has an established process that already has many hoops to jump through and now appear to make this process subject to decisions by an official who cannot legally do so or c ask even be considered to have an objective unbiased opinion in short it is not up to an official to make decisions rega individual freedoms and rights--would this be acceptable uf First Amendment rights were involved! I think not.

Vote No on this Bill and stop it's progress as if unjust unfair and unconstitutional.

Mahalo.

Dave Cunningham

#### <u>SB-1230</u> Submitted on: 2/6/2023 2:35:33 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Kent Kurihara	Individual	Comments	Written Testimony Only

Comments:

This testimony is in OPPOSITION to SB1230. The Unites States Supreme Court (USSC) has made clear that the right to bear arms is a protected, individual right. The efforts of states like New York to circumvent the spirit of the law by establishing "sensitive places" has already been struck by the courts and the USSC has already declared that such efforts are a slap to the face of the Supremem Court.

The law and the spirit of the law is clear. Any efforts to otherwise restrict Constitutionally proteced rights should highlight supporting Senators as being contrary to responsibilities and duties of their positions.

DO NOT ALLOW SB1230 to move forward as written.

-Kent Kurihara

# <u>SB-1230</u> Submitted on: 2/6/2023 5:01:47 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Normand A Cote	Individual	Oppose	Written Testimony Only

Comments:

Aloha Legistlators,

I strongly OPPOSE SB 1230.

Respectfully,

Normand A Cote

Law Abiding Citizen



# <u>SB-1230</u> Submitted on: 2/6/2023 5:09:14 PM Testimony for PSM on 2/6/2023 3:00:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Samuel Webb	Individual	Oppose	Written Testimony Only

Comments:

We do not need more restrictions on sensitive places, all government offices should be good enough. Criminals will still do as they please as they do now.

#### <u>SB-1230</u> Submitted on: 2/6/2023 5:22:58 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier Position</b>	Testify
Mark Wales	Individual	Oppose	Written Testimony Only

Comments:

As you have seen on New Year's Eve. The fireworks go off. No laws stop criminal activity. Criminals do not follow the law. That is the definition of a criminal. So the laws you were trying to pass now. Are only going to affect law abiding citizens. And the right to defend themselves. Not the murder rate. Not criminal activity. Other than you're going to create Criminal opportunity for underground guns. We all know the police are too few in the state to protect anybody. Because of the aloha spirit in the state. We have low gun crime. So passing laws to make law abiding citizens felons. Is not the answer. It's easy and inexpensive to pass bad laws. Until there's a lawsuit to overturn the law. Instead of setting up programs to help the The homeless, mentally ill, drug addicted, housing problems we have. And remember you have to have do process before you take any property from someone. The supreme court is has reaffirming the Second Amendment. You're wasting all of our time. But of course the only thing you were trying to do right now. Is to limit the second amendment. We have all seen what happens in countries where only the government, and Criminals have the guns. We the people are the government. That's why We the people have the guns. You should be passing bills to train, civilians on gun safety.

There should be a gun safety course in high school . If public safety is what you are trying to do. Not try to restrict constitutional rights.

Retired postal employee Maui

# <u>SB-1230</u> Submitted on: 2/6/2023 6:05:59 PM Testimony for PSM on 2/6/2023 3:00:00 PM



Submitted By	Organization	<b>Testifier</b> Position	Testify
Ramiro Noguerol	Individual	Oppose	Written Testimony Only

Comments:

oppose first because it's unconstitutional and second it is complete non sense.



Submitted By	Organization	<b>Testifier Position</b>	Testify
Kyle hara	Individual	Oppose	Written Testimony Only

Comments:

I'm writing in opposition of this bill. If a law abiding qualified citizen have a CCW license, They have already passed many checks and hurdles from mental background, criminal background, classes and shooting qualifications. They should be able to carry and protect self and others around them. Crime and criminals do not abide by rules and laws or locations, they are opportunist, and will target sensitive places. Why make it harder for good citizens that just want to protect themselves and loved ones? What good does it do if you can have the tool to protect but can't have it with you?