



Senate Committee on Public Safety and Military Affairs

HEARING: March 17, 2023 at 3:02pm

RE: HB426 Relating to Firearms

Hawaii Firearms Coalition **OPPOSES HB426.**

The purpose of HB426 is to put Hawaii's gun stores and firearms manufacturers out of business by switching the blame from criminals to the business. Gun stores are one of the most regulated industries with laws, requirements, and audits performed at the Federal, State, and County level. It is also one of the most difficult industries for a small business to survive in with regulations, insurance, security, tracking, and other costs along with the high penalties if the laws are not followed. The combined factors of audits, fines, criminal penalties, slim margins, and high cost of business ensure that the firearms industry in Hawaii keeps high standards of conduct and controls over their products.

This bill will encourage frivolous lawsuits to be filed against gun stores resulting in a lose-lose situation for them. The mere act of just filing the lawsuit results in the gun store paying tens or hundreds of thousands of dollars in attorney fees to defend itself.. Even if the gun store wins the lawsuit, it will go out of business due to debt or face high insurance costs which will put them out of business.

This bill will create a precedent in Hawaii where any business could face a law like this and be put out of business. For example, a person with a history of DUI legally buys a case of beer from a market and gets into an accident. The victim then sues the supermarket for selling alcohol to a person with a history of DUI. This could also occur if the case of beer was stolen.

#### **134-B (d)**

The term "assaultive purposes" is very vague and dependent on the person defining it. To some, it could mean any semiautomatic firearm. To others, it could be a high-caliber bolt action rifle. To others, it could be a 30 round magazine. The standard set by the US Supreme Court is firearm products in common use and any restrictions on firearm products must be based on US historical laws generally in place in the states at the time of the Constitution's ratification.

We also take issue with the ban on firearm products designed, sold, or marketed to minors. Minors make up a large population of firearm users for hunting, high school competitions, boy/girl scouts training, collegiate/Olympic training, military training, and many other disciplines. Shooting sports teach minors the importance of safety, morals, and responsibility.

#### **"Reasonable Controls"**

Law enforcement is trained and has the power to investigate and enforce firearms laws and unlawful conduct, not the gun stores. Gun store's already have measures to reduce inventory loss and do their best to screen people that show risks, or else they would not be in business anymore.

Please vote no on HB426.

Mahalo

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



March 16, 2023

*Submitted via web portal*

**RE: HB 426 (Tarnas): 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 support of HB 426.

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 Protection of Lawful Commerce in Arms Act (PLCAA) blocks legal responsibility for gun manufacturers, distributors, and dealers with irresponsible sales practices that contribute to the flood of illegal firearms in our communities. PLCAA gives bad actors in the gun industry broad protection from civil lawsuits, preventing many people injured by guns from holding them accountable in court – even when the business acted dangerously or irresponsibly.

We support state efforts to ensure that members of the gun industry are no longer shielded from accountability when they act dangerously, irresponsibly, or illegally. State bills like HB 426 function as an exception to PLCAA, ensuring that valid civil claims can be brought against the gun industry for dangerous, negligent, and unlawful actions. The possibility of civil liability will not only provide civil justice to victims and survivors but also encourage the gun industry to act responsibly to help stem the tide of crime guns that harm people. Having operated with special protections for years, the industry has had no financial incentive to curb irresponsible conduct and instead puts profits over people. The prospect of civil liability can lead to safer products and better conduct that the industry has resisted for years.

No industry should be above the law, especially not one that makes and sells lethal weapons. HB 426 will

make sure that bad actors in the gun industry are held accountable and victims of gun violence are able to get justice through the law.

For all of these reasons, Everytown for Gun Safety and the Hawai'i chapter of Moms Demand Action for Gun Sense in America support HB 426.

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



Testimony of Deb Nehmad, Chapter Lead, Brady Hawaii  
Before the Senate Committee on Public Safety and Intergovernmental Affairs  
SUPPORT FOR HB 426 HD 1

March 17, 2023

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

My name Deb Nehmad, and as both a longtime resident of Hawaii who cares deeply about the safety, well-being and quality of life of our state and residents and as the Chapter Lead of Brady Hawaii, I am pleased to speak today in support of HB 426 HD 1, which will allow our state and the people of our state to pursue civil claims against the gun industry in the same way they can be pursued against other industries.

Since it was passed, the Protection of Lawful Commerce in Arms Act (PLCAA) has shielded bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and this won't impact them. But there are others that act with impunity because of the shield that PLCAA has provided, including:

- dealers who facilitate gun trafficking, which is devastating communities in Hawaii,
- online sellers who negligently allow children to purchase firearm accessories or ghost gun parts, and
- manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can be safer. Guns should be safer. Children have died because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

It is past time to ensure that there is accountability for this action or inaction.

I urge a vote in favor of HB426 HD1.

Deb Nehmad  
Chapter Lead, Brady Hawaii  
[dnehmad@bradyunited.org](mailto:dnehmad@bradyunited.org)

**HB-426-HD-1**

Submitted on: 3/14/2023 3:55:00 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

This is a VIOLATION of the 2nd Amendment. The 2nd Amendment can nor be infringed upon. You have no Authority to Make any laws that Go Against the 2nd Amendment .The 2nd Amendment is the law of the LAND . Any one that Violates this Can be Charged with a Feloney. This has bin tryed in other State and it was thrown out by the Supreme Court. The People of Hawaii are not going to be pushed around any Longer!!!!!!

I stand in opposition to this bill. First and foremost It is a violation of the Protection of Lawful Commerce in Arms Act. Second, it attempts to add pretty much any firearms accessory to a list of controlled objects, none of which can be controlled, nor are serialized in any way or even have the potential for serialization.

It is so vague that it now puts mundane items on a list of precursor parts. You can make a crude but functional firearm with two pipes and an endcap. If you have any kind of mechanical skill you can make much more complex things. Can Home Depot be sued under this law if someone makes a pipe gun? Does Home Depot have to get a Federal Firearms License now to do any kind of business in Hawaii? Will Napa, O'Riley's, and numerous other autoparts shops have to apply for an FFL now because you can make an illegal silencer out of an oil filter? Will Hydroflask be held responsible because someone turned their product into a silencer? What if someone makes a silencer out of a Soda Bottle? Is Pepsi gonna get sued?

It is already against the law for an FFL to sell to anyone they suspect is a prohibited person or straw purchaser. Expanding this to anyone who sells an accessory is not only unfeasible but unenforceable. Something as simple as a sling would be enough for someone to be considered a 'Firearms Industry Member' since it 'increases the lethality' of the gun by allowing me to keep it at the ready and use it as a bracing point to aim more accurately.

This bill is overly broad, illegal, and needs to be killed.





**HB-426-HD-1**

Submitted on: 3/14/2023 5:10:59 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Dear Honorable Senators and Representatives,

I am in opposition of this bill. To hold the people who work in the firearms industry responsible for the wrong doings of a person who uses a firearm in the wrong way, seems far reaching and not ethical. I understand we have a lot of issues related to firearms, but allowing families and significant others to go after the people in the industry for the mishaps of the person who wrongly used that firearm is just inappropriate. We need to find other ways to reduce criminal behavior than to do legislation like this. This does absolutely nothing to reduce crimes with firearms.

Sincerely,

David J Fukuzawa, SAS-V (Retired)

**HB-426-HD-1**

Submitted on: 3/15/2023 1:11:40 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Please support this bill. Mahalo.

**HB-426-HD-1**

Submitted on: 3/15/2023 7:39:39 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

With nearly every other industry in the United States, civil liability can be used as an important check on irresponsible and harmful industry behaviors. But the profit-seeking gun industry has enjoyed enormous exemptions from liability and accountability in court since President Bush signed the federal Protection of Lawful Commerce in Arms Act (“PLCAA”) into law in 2005. Many states have also enacted similar laws that shield firearm and ammunition manufacturers, dealers, and other industry members from many kinds of traditional civil lawsuits.

Civil liability plays an important role in promoting community and consumer safety. In circumstances where legislators have been unwilling to enact laws regulating a dangerous industry, the possibility of civil litigation—lawsuits—can help incentivize industries to take reasonable steps to prevent their products or business practices from causing foreseeable risks to human life and wellbeing. Traditionally, this means that victims harmed by wrongful industry conduct, or public officials acting on the people’s behalf, can seek fair justice and accountability in the courts by filing lawsuits seeking monetary compensation or other court-ordered relief when industries have negligently or recklessly caused harm or failed to take reasonable steps to prevent foreseeable harm.

In too many cases, however, this principle does not apply to the gun industry because the industry has obtained unprecedented immunity from this system of justice and accountability.

In recent years, four states have enacted victims’ access to justice laws that codify standards of responsible conduct for the firearm industry and ensure that more victims of gun violence can bring civil suits seeking justice and fair remedies in court. Hawai‘i should join them. Please pass HB426 HD1.

**HB-426-HD-1**

Submitted on: 3/15/2023 8:46:20 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I opposed this bill. This bill does not make sense. Are you trying to criminalize firearms industry members and prevent them from protecting themselves? Stop attacking firearms industry members. They are not criminals.

**HB-426-HD-1**

Submitted on: 3/15/2023 9:26:26 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I strongly support HB426,HD1. The gun industry must be part of finding a solution to our nation's gun problem and must act responsibly. THis Bill is critical in this process.

Thank you for considering my views.

**HB-426-HD-1**

Submitted on: 3/15/2023 9:56:00 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I oppose this as it would be an undue cost for even frivolous lawsuits against any gun seller company or an individual.

THIS law also is a waste of time because no one markets a firearm to be used in an illegal manner, like to commit an active shooting. There is no ad that will state "This product is perfect to commit an active shooting". What this law does is allow people to "look for reasons" to sue any gun maker, seller, or marketer.

**HB-426-HD-1**

Submitted on: 3/15/2023 10:46:22 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Mimi Beams	Individual	Support	Written Testimony Only

Comments:

**I support HB426,HD1”** in the text box on the testimony submission form.

Current federal law has shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426, HD 1** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Please support HB426.

**HB-426-HD-1**

Submitted on: 3/15/2023 10:57:58 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I oppose this bill. How am I supposed to be liable for someone doing something illegal? Do you guys seriously consider what you are trying to do? .



**HB-426-HD-1**

Submitted on: 3/15/2023 11:18:01 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

This bill is so unreasonable. Would you hold Home Depot liable for a hammer if a person comits a crime of murder with it? What next. What is this world coming to. How can you be held responsible for anything another person does. You cannot predict other peoples future. There is the prupose of the item and the intent on which it was made for. It should not be the sellers or the givers responsiblity if the receivers use is illigal. If you pass this bill all the retailers will stop doing business and then how will we protect ourselves or hunt for food. Remember 911 takes time and we are in the middle of a huge pacific ocean and if our chain of supply goes down we will not have a way of huting for food. Dont forget all these sales provide taxes for Hawaii. Please think hard about this. Please vote NO. Cindy Bryant

**HB-426-HD-1**

Submitted on: 3/15/2023 11:38:02 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Li Lundin	Individual	Support	Written Testimony Only

Comments:

I strongly support HB426 HD1. Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law. Thank you for your consideration.

Li Lundin

community volunteer

**HB-426-HD-1**

Submitted on: 3/15/2023 11:43:30 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

It is absurd to be able to sue a seller when a buyer uses something illegally. That's like suing Chrysler for someone driving their car while DUI. Focus on real problems like the rising crime rate

**HB-426-HD-1**

Submitted on: 3/15/2023 11:50:53 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

This is ridiculous! Now people need to see into the future if someone is going to commit a crime? How can someone be liable for legally selling something to someone else legally? And be liable for what the purchaser does? If this is the case the government should provide some kind of psychic branch that companies can go to, to see into the future. Crazy is all I can say.

**HB-426-HD-1**

Submitted on: 3/15/2023 12:33:18 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Unconstitutional do not pass

**HB-426-HD-1**

Submitted on: 3/15/2023 12:41:27 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I strongly oppose HB426

**HB-426-HD-1**

Submitted on: 3/15/2023 12:55:42 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ron Matayoshi	Individual	Support	Written Testimony Only

Comments:

I support HB 426, Relating to Firearms.

Standards for firearm industry members is required to help protect the public, including civil liability for harms causes by breach of those standards of care.

Thank you ... my vote counts.

**HB-426-HD-1**

Submitted on: 3/15/2023 12:57:27 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I strongly oppose this bill.



**HB-426-HD-1**

Submitted on: 3/15/2023 1:11:39 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Coralie Matayoshi	Individual	Support	Written Testimony Only

Comments:

I strongly support HB426 to help protect public safety by establishing standards of conduct for the firearms industry and authorizing civil actions by those injured by firearms where a firearms industry member's violation of the standards of conduct led to the firearm injuries.

Thank you for the opportunity to provide testimony on this very important matter.

**HB-426-HD-1**

Submitted on: 3/15/2023 1:41:44 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I am a resident of the City & County of Honolulu and support this Bill

Hope you will also support and vote to pass this Bill

**HB-426-HD-1**

Submitted on: 3/15/2023 2:01:23 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Jane Davis	Individual	Support	Written Testimony Only

Comments:

Current federal law has shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426, HD 1** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Please support HB426.

**HB-426-HD-1**

Submitted on: 3/15/2023 2:42:31 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Joan White	Individual	Support	Written Testimony Only

Comments:

Current federal law has shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people. There are many responsible gun industry actors, and **HB426, HD 1** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Lives depend on this body doing the right thing. Please support HB 426 HD1. Thank you.

**HB-426-HD-1**

Submitted on: 3/15/2023 2:43:21 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I am opposed to HB 426 as it blames the "members of the gun industry" for the irresponsible and/or illegal use of firearms by an individual, rather than punishing the law-breaker themselves.

If these provisions were applied to the "members of the automotive industry" that would make the seller of a car or car parts responsible for the illegal acts of a driver, such as driving without a license or driving while intoxicated. That is unfair, and HB 426 unfairly puts an unreasonable burden on law abiding, tax paying gun owners.

Thank you.

**HB-426-HD-1**

Submitted on: 3/15/2023 3:02:12 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Oppose

**HB-426-HD-1**

Submitted on: 3/15/2023 4:11:26 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

People already can sue if they are injured by a firearm. This bill is not needed. People have a right to bear arms. It is our constitutional right.

**HB-426-HD-1**

Submitted on: 3/15/2023 4:24:20 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Richard Tillotson	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support this bill and urge you to pass it. We need standards for the firearm industry members to help protect the public, including civil liability for harms caused by breach of those standards of care.

Thank you for considering my testimony and mahalo for your service.

Richard Tillotson



**HB-426-HD-1**

Submitted on: 3/15/2023 5:19:01 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

If this bill were about safety it would apply to everything, not just guns. Better not teach difficult children to read, we would hate for them to misuse that knowledge? Right guys?

**HB-426-HD-1**

Submitted on: 3/15/2023 5:54:37 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Dear Sirs,

please stand up for the people of Hawaii and oppose this overreaching bill.

please protect our Second Amendment rights and our God given rights.

Thank you

**HB-426-HD-1**

Submitted on: 3/15/2023 6:53:07 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Please, OPPOSE HB 426.

MAHALO, JOANNA WEBER

**HB-426-HD-1**

Submitted on: 3/15/2023 6:55:48 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

**I strongly oppose** this Bill.

**HB-426-HD-1**

Submitted on: 3/15/2023 7:05:03 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I, Marko Mijuskovic, oppose this bills because it's against our constitutional rights.

**HB-426-HD-1**

Submitted on: 3/15/2023 7:17:50 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I oppose this bill

**HB-426-HD-1**

Submitted on: 3/15/2023 7:21:48 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

We strongly oppose this bill

To: Hawaii State House Committee on Public Safety and Intergovernmental and Military Affairs

Hearing Date/Time: Friday, 17-March-2023, 3:02 pm

Place: Hawaii State Capitol, CR 225 & Videoconference

Re: Judith Ann Armstrong is in support of HB 426 HD1

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

I, Judith Ann Armstrong, am in support of HB426 HD1 relating to Taxation.

Current federal law has shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426, HD 1** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Thank you for this opportunity to testify in support of HB426.

Sincerely,

Judith Ann Armstrong



**HB-426-HD-1**

Submitted on: 3/15/2023 7:31:18 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I oppose HB426. This is simply ridiculous. This s blatant attack on the Second Amendment, law abiding citizens, businesses, and figures in the firearms industry over the purpose of a parts and their usage. And more so for a court room and officals who understands nothing of the industry who define these parts and usage is like demanding a blind man to define the parts of a car and the officiate a race.

Strike down this bill as it is done without due process, it will do nothing but harm the Second Amendment and our freedoms. The duty of our officals is the UPHOLD our rights - Not restrict them and turn our citizens into criminals.

**HB-426-HD-1**

Submitted on: 3/15/2023 7:46:43 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

unneeded legislation for no crime!

absolutely ridiculas

**HB-426-HD-1**

Submitted on: 3/15/2023 8:14:21 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I OPPOSE HB426

People already can sue if they are injured by a firearm. This bill is not needed. People have a right to bear arms. It is our constitutional right

**HB-426-HD-1**

Submitted on: 3/15/2023 8:38:02 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Right to bear arms is a constitutional right which shall not be infringed. Citizens have every right to protect their families.

IF the criminal survives a gunshot, they have every right to have it investigated.

Not sure why this sneaky bill is proposed as this is the current process in communist Hawai'i right now.

NOPE NOPE NOPE!!!!

**HB-426-HD-1**

Submitted on: 3/15/2023 8:55:13 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I oppose this bill as it only infringes our rights and doesn't do anything to prevent criminals from possessing illegal firearms. Please start working on the root of problems and issues. Stop wasting our tax paying dollars on these silly bills. All of these will be fought vigorously by me and many others in our community.

**HB-426-HD-1**

Submitted on: 3/15/2023 8:56:39 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Aloha,

I strongly oppose HB426. This bill does very little to improve gun safety.

**HB-426-HD-1**

Submitted on: 3/15/2023 9:15:29 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

People already can sue if they are injured by a firearm. This bill is not needed. People have a right to bear arms. It is our constitutional right.

**HB-426-HD-1**

Submitted on: 3/15/2023 9:32:05 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Not needed. People already can sue if they are injured by a firearm. People have a right to bear arms. It is our constitutional right.



**HB-426-HD-1**

Submitted on: 3/15/2023 10:14:16 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John Webster	Individual	Support	Written Testimony Only

Comments:

**I fully support HB426. Please support - we must act now to manage this constat misuse of firarms.**

**Thank You,**

**John Webster**

**HB-426-HD-1**

Submitted on: 3/15/2023 10:54:44 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Dawn Morais Webster Ph.D.	Individual	Support	Written Testimony Only

Comments:

Children and innocent people going about their lives are dying because the manufacturers have chosen not to make guns safer and have suffered no consequences. No industry should be above the law.

Current federal law has shields bad actors in the gun industry from most civil lawsuits, even when they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426, HD 1** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Please support HB426. It will help shield us from the kind of gun violence we see reported daily on the continent. Mahalo nui.

**HB-426-HD-1**

Submitted on: 3/15/2023 11:52:29 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

HB426

I strongly oppose HB426. If passed this bill will set precedence for someone who was victimized by anything to sue the company where that item came from. For example automobile companies are exempt from civil liability unless the vehicle had some major malfunction that caused injury or death. Firearms makers have been exempt and shall remain exempt from civil liability.

If this bill passes you will be guilty of killing small businesses and furthering the erosion of Hawaii's people and culture.

As a constitutional republic the state has no standing in the written history of the United States by pushing this legislative bill forward.

This bill will also put hardworking Americans and companies out of business. AG, attorneys and/ or prosecutors have no right and is a great overreach by the government if passed. Law abiding citizens shall not be responsible for criminals actions. We should concentrate our efforts in going after criminals and pushing law and order

Will you let victims sue auto companies driven by a drunk driver that killed someone? Is there a constitutional right to do so in any instance? No they have no right unless it was a malfunction due to manufactures negligence or defect.

**HB-426-HD-1**

Submitted on: 3/16/2023 7:02:17 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I oppose HB426.

**HB-426-HD-1**

Submitted on: 3/16/2023 7:23:52 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jayme Kealoha-Dacuycuy	Individual	Oppose	Written Testimony Only

Comments:

I'm in strong opposition of said bill. Stop infringing on the rights of law abiding citizens to bear arms. It is unconstitutional.

**HB-426-HD-1**

Submitted on: 3/16/2023 7:28:37 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Support

**HB-426-HD-1**

Submitted on: 3/16/2023 7:28:52 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I oppose this bill. Potential litigation for the unlawful use of an item where the manufacturer of the item is held liable is beyond ignorant. This is a blatant ploy to stop the production and distribution of items protected in the US Constitution. The snowball effect that will result from this will be catastrophic. If passed this would open the door for every manufacturer of every item on earth to be sued for the misuse of the item. It is pure lunacy. Do not pass this nonsense

**HB-426-HD-1**

Submitted on: 3/16/2023 7:35:39 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of HD1. Thank you.



**HB-426-HD-1**

Submitted on: 3/16/2023 7:41:26 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Absolutely oppose. Thank you very much.

**HB-426-HD-1**

Submitted on: 3/16/2023 8:03:48 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I strongly oppose HB426!

No seller of firearms or accessories should be held accountable of future actions of that individual. Any one purchasing a firearm in the state already has to go through registration of firearm with HPD and their background check either from permit to acquire or rifle permit along with a federal NICS check with the FBI.

How is an individual supposed to exceed these standards. Is the police department and state to be sued anytime a legal firearm is used in a crime?

Will individuals or car dealers be sued for selling a new or used car that is involved in an accident or DUI causing serious injury or death?

This bill is ridiculous and solely aimed at harassing and denying lawful individuals from exercising their 2nd amendment rights.

I strongly encourage you to vote against this bill.

Aloha, Robert Hechtman

**HB-426-HD-1**

Submitted on: 3/16/2023 8:12:46 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Please do NOT support this bill

**HB-426-HD-1**

Submitted on: 3/16/2023 8:23:21 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Stop the witch hunt of our business community. You should be ashamed of yourselves. You are attacking Law abiding business owners.

They have families to feed and help support our economy.

how would you feel if you were required to be held accountable for the results of the laws you put in place?

**HB-426-HD-1**

Submitted on: 3/16/2023 8:27:21 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I am testifying to oppose HB426. Simply considering this bill is ludicrous. A company creates a product and is not responsible for how the consumer chooses to use it. There proper ways and improper ways to use every product. If this bill passes you MUST allow people to sue fast-food restaurants, food manufacturers(Nestlé, Hershey, General Mills, etc), and all stores who carry their products when diagnosed with diabetes, or after having stroke/heart attack. It is the same logic you are using for this bill. The improper use of their products are a direct cause of these heath problems.

**HB-426-HD-1**

Submitted on: 3/16/2023 8:57:31 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I strongly oppose this bill! This is more government control designed to punish law abiding Americans. Good grief! I urge you to vote no on this ridiculous bill.

Alice Abellanida

**HB-426-HD-1**

Submitted on: 3/16/2023 9:17:48 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I OPPOSE HB426 and urge you to vote NO on this measure.

This bill is part of a long standing strategy by political groups that hate the ability of average people to own guns for self defense. The strategy seeks to make companies involved in the firearm industry liable for the misuse of their products by criminals.

Federal Law already protects Firearm and Firearm accessory manufacturers and retailers from frivolous litigation in the **Protection of Lawful Commerce in Arms Act (PLCAA)**.

The law affords those in the firearm industry with the same protections as other industries.

A few weeks ago a young mother and her 6 month old infant were violently hit by a man in a Honda Civic who then beat the woman and a Good Samaritan with a tire iron. No one considers blaming the car manufacturer or the hardware store for selling the man the tire iron. This same logic must be applied to those engaged in the firearms industry.

I urge you to OPPOSE HB426.

Mahalo,

Jon Abbott

**HB-426-HD-1**

Submitted on: 3/16/2023 9:29:36 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
William Lono	Individual	Oppose	Written Testimony Only

Comments:

I am in *opposition* of bill **HB426**. This bill makes no sense to me. Why should Firearm Industry members be sued for *violations*? Do you sue car manufacturers for citizens who get in accidents with their cars? **How's about going after REAL criminals!!!**



**HB-426-HD-1**

Submitted on: 3/16/2023 9:33:59 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I support HB426 HD1.

Mahalo

**HB-426-HD-1**

Submitted on: 3/16/2023 9:34:05 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I am a law abiding citizen and i feel that bill HB426 is a violation of our 2nd amendment rights.

**HB-426-HD-1**

Submitted on: 3/16/2023 9:35:05 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I oppose

**HB-426-HD-1**

Submitted on: 3/16/2023 9:46:02 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

The firearm industry is one of the most regulated industry in this country. Any individual who feels they have suffered harm because of another individual already has the ability to file a civil suit against that person. Why would a separate standard of conduct for firearm industry members be necessary when there are currently laws dictating what would be considered criminal in regards to Hawaii's laws.

If there is no violation of our current laws, an attorney general, county attorney or public prosecutor should not have the ability to bring a civil suit against any firearm industry member. A civil suit is outside the scope of their job. Allowing a civil suit to be brought against an individual by a person representing a government agency would be a waste of government resources (time and money).

The ability for a government agency to file a civil suit against a firearm indutry member with newly created "standards" does nothing to benefit the community. If the attorney general, county attorney or public prosecutor feels like our laws are inadequate they need to work with our law makers create laws they feel are not yet addressed under our current state or county laws.

**HB-426-HD-1**

Submitted on: 3/16/2023 10:14:20 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ellen Godbey Carson	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. Setting enforceable standards for our firearms industry is one of the important steps we can take to help ensure commercial sales of firearms are done in a safe and reasonable standard. This bill is also important for creating civil liability for violation of standards of care by the firearms industry, as courts have permitted, since other avenues for civil liability have been largely foreclosed by federal legislation.

Ellen Godbey Carson

**HB-426-HD-1**

Submitted on: 3/16/2023 10:14:40 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jeffrey Willard-Mack	Individual	Oppose	Written Testimony Only

Comments:

People already can sue due to injury by a firearm. This bill is unnecessary. People have a right to bear arms. It is our constitutional right.

**HB-426-HD-1**

Submitted on: 3/16/2023 10:15:26 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

The firearm industry should not be exempt from civil actions if their members violate conduct standards. It is not fair to give this single industry special privileges that are not available to other organizations. Thank you for fixing this unfair policy and passing this important bill.

**HB-426-HD-1**

Submitted on: 3/16/2023 10:27:23 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Melissa S. Chang	Individual	Oppose	Written Testimony Only

Comments:

This bill is unconstitutional. It must not be passed!



**HB-426-HD-1**

Submitted on: 3/16/2023 10:28:01 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Fire arm industry members should not be able to be sued, just as the pharmaceutical industry can't be sued for injuries that are caused by their vaccinations.

Thank you!

**HB-426-HD-1**

Submitted on: 3/16/2023 10:30:50 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I strongly oppose HB 426, as it puts the blame on the manufacturer or merchant seller of the firearm for an injury, rather than the human being who perpetrated the crime. Allowing lawsuits for firearm industry companies could create a serious financial strain for these companies, who aren't to blame in the first place. This bill is ridiculous!

On behalf of Hawaii residents, trash it!

**HB-426-HD-1**

Submitted on: 3/16/2023 10:47:04 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I am writing to oppose this unconstitutional bill

This bill is in violation of federal law the PLCAA Protection of Lawful Commerce in Arms Act passed in 2005. This unlawful bill needs to be killed immediately.

**HB-426-HD-1**

Submitted on: 3/16/2023 10:47:42 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

To Whom It May Concern,

I am writing to encourage the opposition of a highly unconstitutional bill, HB426. This bills is attempting to hold accountable, law abiding citizens, for the unlawful action of another human being.

It would essentially force out of business, local Hawai'i small business that sell these types of goods. Local businesses that employ local residents and provide for local families.

The issue at hand is not these accessories, products or goods that contribute to violence in our communities, but the evil and unlawful actions of those that choose to abuse them.

At the same time, local, law abiding citizens use these accessories, products and services to protect and provide for their families.

Please oppose HB426.

Thank you,

Davin Asato

**HB-426-HD-1**

Submitted on: 3/16/2023 10:49:28 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Strongly oppose this measure.

**HB-426-HD-1**

Submitted on: 3/16/2023 10:56:07 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I oppose HB426 in its entirety and respectfully request you do the same.

This bill penalizes the manufacturer or seller of the firearm for the crime instead of the person who perpetrated it. It would be like suing a manufacturer or seller of a screwdriver if it was used in the commission of a crime or any harmful act.

For this reason, I oppose HB426 and its amendments and again respectfully request you do the same.

Thank you.

Chester Lum

**HB-426-HD-1**

Submitted on: 3/16/2023 11:21:20 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I oppose HB426. Please see PLCAA.

We can't sue car manufacturers or dealers for the actions of someone doing bad things with their products. Can sue if something happens due to a defect/ poor workmanship resulting in injury or death.

"The Protection of Lawful Commerce in Arms Act is a U.S law, passed in 2005, that protects firearms manufacturers and dealers from being held liable when crimes have been committed with their products. [Wikipedia](#)

Public law: 109-92

Enacted by: the [109th United States Congress](#)

Other short titles: Child Safety Lock Act of 2005

Statutes at Large: 119 Stat. 2095

Titles amended: 15 U.S.C.: [Commerce](#) and Trade; 18 U.S.C.: Crimes and Criminal Procedure

U.S.C. sections amended: [18 U.S.C. ch. 44 §§ 921, 922, 924](#)

U.S.C. sections created: [15 U.S.C. ch. 105 §§ 7901, 7902, 7903](#)"

**HB-426-HD-1**

Submitted on: 3/16/2023 11:25:39 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I don't really understand what this is about because there already seems to be a law about this. However, I do want to know why such a law is not in place for pharmaceutical companies and the facilities that peddle their wares are not held accountable, when those drugs fail with results as harmful as firearms. Any idea? Please advise.



**HB-426-HD-1**

Submitted on: 3/16/2023 11:26:01 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

OPPOSE HB 426

**HB-426-HD-1**

Submitted on: 3/16/2023 11:29:15 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

OPPOSE HB 426

**HB-426-HD-1**

Submitted on: 3/16/2023 11:35:43 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

This bill was designed to destroy the firearms industry and stuff the pockets of ambulance chasing attorneys. It will make public safety worse by opening up new revenue streams for black market parts dealers and their criminal networks. Shame on everyone who let it get this far.

**HB-426-HD-1**

Submitted on: 3/16/2023 11:40:13 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I strongly OPPOSE this measure. Placing the blame on firearm manufacturers and gun shops does nothing to reduce gun violence. Only law abiding citizens and businesses are affected. How about addressing the real problem on mental health? Where's the focus on keeping violent criminals off the streets and protecting society?

**HB-426-HD-1**

Submitted on: 3/16/2023 11:42:08 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I am writing to oppose HB426 and am hopeful to discourage the passing of this bill. HB426 is an attack upon industry members who participate in firearm parts sales and gun stores alike. This bill leaves so much ambiguous room for mishandling and abusive results towards those who work in the firearm industry. If someone commits a crime then they can and should be held accountable with due process. This bill subverts due process and goes against federal laws in place that directly stop firearm business from being attacked by political opponents who seek to harm industry members and businesses via lawsuits and litigation. Selling a part that fits on a firearm or a tool while following all laws regarding the product at hand is not a crime in any way. No individual, business or organization should be able to be harmed in the case that a criminal uses their product to inflict harm or in the act of a crime if they had no part in their actions. With this bill's logic, a criminal using a car in a crime should allow a car manufacturer, the car salesman and the car's mechanics, and the gas stations used to be pursued for damages caused by the criminal while using the vehicle. Why would we need more laws to capture firearm industry members who abide by current laws? If someone breaks a law in the industry then they are at risk of being charged as is and no laws are needed to make that so. This idea of "standards of conduct" is absurd and leads to harm of an already consistently assaulted industry. The simple fact that I have to write in every year to defend my personal rights is absurd and a result of the assault I just wrote of. There are so many bills like this one every year that would be harmful to myself, business owners, and citizens of Hawaii. Please do not allow HB426 to go any further. If you allow this bill to pass then we should then allow legal damages claims to be had against car companies, gas companies, electric companies, airplane manufacturers, airports and any business that a criminal has used a service or product of while in pursuit of a crime that harms another. I would even suggest that politicians who submit bills yearly that harm me, my family, firearms owners and business owners, such as this bill, should be held liable for losses and damages caused by these unconstitutional bills. Your actions in passing this will put my family in danger of past firearm part sales if someone were to act criminally with a tool or part they purchased from me years ago, despite the fact that what I sold was not a firearm and I would have had zero knowledge of any criminal behavior. This bill is beyond government overreach and is a direct assault of an entire industry and individuals who participate within it. Please oppose HB426.

**HB-426-HD-1**

Submitted on: 3/16/2023 11:49:16 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

**I Strongly Oppose HB426 HD1**

The right to keep and Bear arms shall not be infringed.

Any Statute, Code, Mandate, Directive or any Law that violates the Constitutions (State and Federal) is null and void. If the Government violates the constitution, the law which causes that violation becomes nul and void and has no effect.

Statute(s), Code(s), Mandate(s), Directive(s) or any Law(s) that violates the Constitutions (State and Federal) are the government corporations' internal communications and are not applicable to the people on the land unless through consent expressed or implied.

Persons acting in government authority who force, coerce, cadjole or deprive as to force consent are in violation of the constitution

**HB-426-HD-1**

Submitted on: 3/16/2023 11:59:18 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I oppose this bill, but here you guys go again. Pushing your own agenda. You don't listen to the people, only take advantage... shame on you who support this.

**HB-426-HD-1**

Submitted on: 3/16/2023 12:07:33 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I OPPOSE due to the fact a LAW ABIDING Citizen is restricted to Lawfully carry and protect themselves at all times while in a public setting. Criminals don't follow the LAW and this Bill will do nothing to stop crime.



Aloha,

I am providing written testimony in opposition to HB426 HD1.

HB426 HD1 is clearly an attempt to skirt around the Protection of Lawful Commerce in Arms Act (PLCAA), which was established in 2005. HB426 HD1 aims to encumber lawful business and commerce based on unrelated actions of others. Vague wording within the bill ensures "firearms industry members," as defined in Section 134-A, can be held liable for even the slightest part, component, or accessory.

While aimed directly at the firearms industry this bill would entangle many seemingly benign businesses or individuals. Firearms require a lot of accessories to maintain and include allen keys, torx bits, screw drivers, threadlocker, and oil among many others. Will Home Depot, Lowe's, and City Mill now be considered "firearms industry members" and thus culpable as well?

Lawful firearms owners often add abrasive tape to their grips for better control and handling. The tape is sold by sporting goods stores, or online retailers like Amazon, and similarly used on tennis rackets, bats, and hockey sticks. Should sporting goods stores and online retailers now be classified as "firearms industry members"?

HB426 HD1 appears poorly thought out with wide-reaching ramifications beyond the targeted firearms industry.

Thank you.

**HB-426-HD-1**

Submitted on: 3/16/2023 12:26:35 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

You wouldn't hold a car company or dealership liable if a driver does a hit n run, or gets a dui, or uses their car in a road rage incident....so why would you hold a firearm seller/manufacturee liable if someone else uses their firearm in a criminal act? Think about it.

**HB-426-HD-1**

Submitted on: 3/16/2023 12:27:01 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Aloha my name is Jessica Caiazzo and I am grateful for the opportunity to have my voice heard.

I oppose this bill, as we already have laws in place.

While the 2005 Protection of Law legislation Commerce in Arms Act provides gun manufacturers some exemptions in liability (it grants them immunity against lawsuits alleging wrongdoing because their products were used in crimes), people *can* still sue gun manufacturers for a variety of reasons and be successful.

Why change anything? This is why I strongly oppose.

Mahalo.

**HB-426-HD-1**

Submitted on: 3/16/2023 12:27:20 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Babcock	Individual	Support	Written Testimony Only

Comments:

they have acted irresponsibly or negligently. There is no reason that any industry should be insulated from liability, much less an industry that deals in lethal weapons and has all too often put profits over people.

There are many responsible gun industry actors, and **HB426, HD 1** won't impact them.

But there are others that act with impunity because of the industry has been protected: dealers who facilitate gun trafficking, online sellers who negligently allow children to purchase firearm accessories or ghost gun parts and manufacturers who fail to incorporate safety technologies that could prevent unintentional shootings by children.

Guns can and should be safer. Children are dying because the manufacturers have chosen not to make them safer and have suffered no consequences. No industry should be above the law.

Please support HB426

**HB-426-HD-1**

Submitted on: 3/16/2023 1:09:00 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Annie U.	Individual	Oppose	Written Testimony Only

Comments:

People already can sue if they are injured by a firearm. This bill is not needed. People have a right to bear arms. It is our constitutional right.

**HB-426-HD-1**

Submitted on: 3/16/2023 1:26:08 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Valerie Wayne	Individual	Support	Written Testimony Only

Comments:

I support this bill because it protects public safety through the standards of conduct it establishes for the firearms industry. It also authorizes civil liability against those injured by firearms due to violations in the standard of care. It's a good, protective bill.

**HB-426-HD-1**

Submitted on: 3/16/2023 1:27:59 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Do not pass this. Vague and ominous. Attorney general can go after industry personal for doing things. You can't and shouldn't criminalize people who haven't committed crimes. If they have committed a crime go after them for that don't make a grey area where you can victimize people because the laws not well defined. This is why people do t trust the government you should be ashamed of yourselves for even considering this

**HB-426-HD-1**

Submitted on: 3/16/2023 1:29:05 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Sara LaBelle	Individual	Support	Written Testimony Only

Comments:

I am a mother, military spouse, and UH Mānoa graduate student. My family has been stationed in Hawai'i twice. Both times we moved here, I breathed a sigh of relief that we would be safer from guns here than we are on the continent. The *Bruen* decision has been devastating for those feelings of safety. As a lifetime school volunteer, I have been part of active shooter drills in elementary schools. They are terrifying (even for the grownups who know they are simulations) and traumatize our children. My university has to train me to run, hide, or fight (<https://manoa.hawaii.edu/dps/active-shooter/>). I just want to learn and research. Our families should not have to live this way. Concealed carry permits increase our collective risks of experiencing gun violence (Smart, R., 2023, online: <https://www.rand.org/research/gun-policy/analysis/concealed-carry/violent-crime.html>). I urge you to pass SB1230, CD1 to enact all measures possible to reduce the harm of *Bruen* with strict licensing procedures and broad sensitive spaces identification. Please keep us as safe as possible. Thank you for your time.



**HB-426-HD-1**

Submitted on: 3/16/2023 1:49:02 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I strongly oppose this bill

What is reasonable controls?

If I am to sell someone a simple buffer spring, Can I write “I am not a crazy person” on a napkin and ask the buyer to sign it? Is that enough?

Proponents of this bill seek to restrict access firearm industry personnel, but will also harm regular people. I am not an employee in the firearms industry but just a civilian that avidly buys and trades within the gun community. I have met many people and even made a few friends. None of those that I met and have shared conversations with would I ever think that their intentions would be to cause harm. .This bill will only hurt locals,plant seeds of doubt and distrust within each other and possibly financially bankrupt them.

I also believe this bill to be discriminatory and racist. gun ownership is growing exponentially in the transgender community. Some people, certainly within gun culture ,believe transgenderism to be a mental illness. Would it be lawful “reasonable control” to refuse to sell firearms or accessories to a trans person because they have a mental illness? Statistics show that black people commit the majority of crimes. So would it be lawful “reasonable control” to refuse sales to a person just because they are black?

I strongly urge the committee to vote no on this bill. Thank you.

**HB-426-HD-1**

Submitted on: 3/16/2023 1:54:57 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I oppose this type of legislation because it allows punishment of people or businesses who have no control over people who misuse a product.

It's like letting people file a lawsuit against Zippy's because a woman buys a pie, feeds it to her overweight husband and he has a heart attack after eating it. A lawyer would claim that Zippy's should have conducted a background check on the woman to find out if she has any family members who are overweight and prone to heart disease.

I am horrified by the this type of legislation being introduced to punish innocent people.

Please use common sense when looking at this type of legislation.

**HB-426-HD-1**

Submitted on: 3/16/2023 2:06:48 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

People already can sue if they are injured by a firearm. This bill is not needed. People have a right to bear arms. It is our constitutional right.

**HB-426-HD-1**

Submitted on: 3/16/2023 2:28:16 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Janet Gillmar	Individual	Support	Written Testimony Only

Comments:

I support enacting standards for the members of the firearm industry which would help protect the public. The standards would included civil liability for harms caused when the standards are not followed and injury or death result.

It seems like enacting the standards could also help members of the firearm industry avoid civil liability, or prevail in court, if they can show that they have followed the standards.

Thank you for initiating this legislation and considering my views on this subject.

Janet Gillmar

3035 La-i Road, Honolulu, Hawaii 96816

March 16, 2023

## HB426 RELATING TO FIREARMS

Submitted: March 16, 2023

I stand in opposition to HB426.

Gun manufacturers and businesses cannot and should not be held liable as a third party for the actions of another person.

In my opinion, HB426 is designed to eventually put gun manufacturers out of business via lawsuit. It's another attempt to restrict law abiding citizens from acquiring firearms, thus, violating the Second Amendment. Don't misunderstand me, I truly feel bad for the families whose loved one was killed in a tragic event perpetrated by an individual that involved a firearm. This really has nothing to do with firearms. The fact of the matter is individuals who commit such crimes do not respect human life. Whether the killing was carried out by a firearm, knife, vehicle the leg of a dining table, it is not the object that is to blame or even the makers of those objects. The responsibility should lay squarely on the individual who intentionally misused the object not the manufacturer.

On February 21, 2023, in the Colorado Sun, Mark Oliva, spokesman for the National Shooting Sports Foundation, was quoted as saying, "The current law in Colorado says that if a product is lawfully made without defect and someone misuses that product, then the person who causes the damage is the one who can be held responsible. We don't go back and sue Budweiser and Ford for someone drunk driving and slamming into a family of six and killing somebody. That's not Ford or Budweiser's responsibility. That is the responsibility of the person who criminally misused their products."

In terms of this measure wanting to establish "standards of conduct" for firearm industry members, who or what body will be creating the standards? What, exactly, are the standards? This is too vague and does not address the criminal behavior of the individual. Rather than going after the makers of the product, we, as a society must focus on individual responsibility and hold people accountable for their actions.

Thank you for this opportunity to testify.

**HB-426-HD-1**

Submitted on: 3/16/2023 2:35:41 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mitchell H. Weber	Individual	Oppose	Written Testimony Only

Comments:

strongly OPPOSE HB426,

The state cannot use the federal background check system to check for items that are not regulated as arms. This is not the first time you have proposed to improperly misuse the process. The FBI has already warned the state about this. Are the legislators that keep doing this legally illiterate, or is this a malicious attempt to subvert both Fed/State law?

You can't hold businesses/private individuals accountable for selling something unless they did so knowing that it was going to be used for crime. Are auto manufacturers held responsible for vehicular manslaughter?

I will push for legislation to remove your qualified immunity, maybe then you will think before passing legislation that negatively affects your constituents.

Let's see how committed to transparency and accountability you all are.

Regards,

Mitchell Weber

**HB-426-HD-1**

Submitted on: 3/16/2023 2:40:55 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Stop going after our 2nd amendment right! People will not give up their guns. Particularly with the corruption of our government.

NATIONAL RIFLE ASSOCIATION OF AMERICA

**INSTITUTE FOR LEGISLATIVE ACTION**

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



**NRA**

**LATE**

March 17, 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 House Bill 426HD1 (HB 426).

HB 426 creates a private right of action against firearm industry members for failure to implement "reasonable" controls. This intentionally vague term could subject the industry to crippling lawsuits regardless of whether there was any actual violation of law. The firearm industry is already highly regulated through federal and state laws, with violations carrying stiff penalties.

This legislation is nothing more than an attempt to undermine the Protection of Lawful Commerce in Arms Act (PLCAA), which ensures Americans have reasonable access to firearms. The PLCAA does not prohibit lawsuits against the firearm industry for knowingly unlawful sales, for negligent entrustment, and on traditional products liability grounds.

For these reasons and more, the NRA opposes HB 426.

Sincerely,

Daniel Reid  
Western Regional Director  
NRA-ILA



**HB-426-HD-1**

Submitted on: 3/16/2023 5:02:37 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

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

Comments:

oppose

**LATE**

**HB-426-HD-1**

Submitted on: 3/16/2023 6:40:02 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Oppose. This bill is trying to hold businesses liable for someone else's criminal actions.

Are we going to hold knife makers responsible for stabbings? Are we going to hold automakers responsible for car crashes?

Why are you trying to hold everyone responsible except people that commit crimes?

Criminals need to be held responsible for their own actions. Stop trying to hold law-abiding citizens responsible for other people's criminal actions.

**LATE**

**HB-426-HD-1**

Submitted on: 3/16/2023 6:02:40 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Shane	Individual	Oppose	Written Testimony Only

Comments:

Aloha to my elected leaders,

I am a United States Citizen, resident of Hawaii (Born and Raised), a career Law Enforcement Officer (25 years+), family man, Scout leader, Law Enforcement Firearms Trainer, hunter, and a 16-year military veteran.

I Strongly Oppose this bill. It is unreasonable. I would suggest that you get input from the Law-abiding firearms dealers and owners from our state when drafting future firearms related bills.

1. We have people in our community who do not abide by our laws and who would get firearms and parts to build and maintain firearms. Thats a problem, but they always get what they want, through illegal means. I like to call them CRIMINALS. Like most CRIMINALS they are CRIMINALS because they disregard our laws. This law will not affect CRIMINALS. Are we going to draft bills to sue anyone that sells or manufactures anything dangerous? Electricity, gasoline, cars...

If this bill becomes law it puts law-abiding businesses and law-abiding citizens in harms way. I can see businesses shutting down due to the added risk of running a business. The businesses that I go to are very conscientious and follow all the regulations for our state and the federal government.

We have Laws in our books, let us use our current laws to fight crime and not burden a business that is trying to make a living for the citizens that they employ. Sometimes new laws are needed, in this case it shouldn't.

This Testimony is way late, but I had to say something and put my views from my experience in the public.

Thank you for letting me voice my opinion.

Please make good choices for our People, we elected you, do what is right for us, the law-abiding citizens.

Aloha,

Shane

**HB-426-HD-1**

Submitted on: 3/16/2023 7:19:16 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Ted Baldonado	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB426. This bill does nothing to prevent crimes but punish individuals that have nothing to do with the crime. If this bill were related to vehicular accidents, would this bill affect the parts counter person for selling an air freshener. I hope members can come to the realization that this bill is not needed and oppose this bill.

**HB-426-HD-1**

Submitted on: 3/16/2023 6:40:40 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

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

Comments:

I oppose this bill.

**HB-426-HD-1**

Submitted on: 3/16/2023 8:52:07 PM  
Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

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

Comments:

Aloha,

This bill is not only illegal from the start, it sets an dangerous standard. The state vetted firearm purchase permits. Ergo under this law the state is ultimately responsible for the actions of those deemed legal to purchase firearms. Not the FFL, not the manufacturer, the state.

Imagine a sharp lawyer applying this precedent to car dealers, hotels and restaurants if someone conducts illegal activity with cars purchased there or activities held there. Should a car dealer be held liable for the activities of someone to whom they sold a car? How about a hotel in which a crime was committed? A restaurant where a customer drank too much then became a drunk driver.

Individuals alone are responsible for their actions. No one else.

V/R

Kevin J. Cole

Mililani

**HB-426-HD-1**

Submitted on: 3/16/2023 9:00:27 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Eric Kaneshiro	Individual	Oppose	Written Testimony Only

Comments:

As a law-abiding U.S. citizen and resident of the State of Hawaii, I believe there are adequate federal and state laws to effectively deal with the unlawful possession and use of firearms by any perpetrator.

I support legislation that mandates a consistent, swift and appropriate penalty for any illegal possession or use of a firearm.

I do not support any effort or legislation that infringes upon the right of law-abiding citizens and will vote accordingly.

Mahalo



**HB-426-HD-1**

Submitted on: 3/16/2023 9:03:56 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
kamakani de dely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

**HB-426-HD-1**

Submitted on: 3/16/2023 9:46:42 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

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

Comments:

I strongly oppose this ridiculous bill. Please kill HB426.

**HB-426-HD-1**

Submitted on: 3/16/2023 10:29:58 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

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

Comments:

This bill is not needed. People have the right to bear arms and they can already sue if injured by a fire arm.

**HB-426-HD-1**

Submitted on: 3/16/2023 11:11:22 PM

Testimony for PSM on 3/17/2023 3:02:00 PM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mr. & Mrs. O'Neill	Individual	Oppose	Written Testimony Only

Comments:

HB 426

People already can sue if they are injured by a firearm. This bill is not needed. People have a right to bear arms. It is our constitutional right.

**HB-426-HD-1**

Submitted on: 3/17/2023 1:07:39 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

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

Comments:

I am strongly opposed to this bill. It is unconstitutional and allows innocent people to be punished for the acts (which they had no part or knowledge of) of others. To put it into perspective would we hold a grocery store liable in a drunk driving death because they sold the case of beer. Or would we hold a department store liable for a crime committed with a kitchen knife or baseball bat because the perpetrator bought it from them. Even if one is able to defend themselves from the frivolous cases against them it will cost them time and money they may not have.

**LATE**

**HB-426-HD-1**

Submitted on: 3/16/2023 7:20:54 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Oppose

**LATE**

**HB-426-HD-1**

Submitted on: 3/17/2023 2:39:38 AM  
Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I oppose HB426

this is a violation of our right to bare arms.

this is punitive and illegal.

**LATE**

**HB-426-HD-1**

Submitted on: 3/17/2023 1:44:37 AM  
Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I OPPOSE this bill in its entirety. This bill is designed to eliminate businesses that lawfully deal with firearms. This bill places the burden of a criminal's conduct on a business instead of the criminal. The legislature is looking for a way to eliminate the right of the people to own and bear arms by going after lawful businesses.

OPPOSE this bill in its entirety.

Barry Aoki of Lahaina, Maui, HI



**LATE**

**HB-426-HD-1**

Submitted on: 3/17/2023 2:52:17 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I oppose HB426

this is illegal and punitive.

Then all the vaccine makers that caused bodily harm and death to citizens shall be culpable

**LATE**

**HB-426-HD-1**

Submitted on: 3/17/2023 6:03:22 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I oppose HB426, I think it's unfair to be held accountable for something that happens to something a sold after it's sold. You can hold car dealers accountable if someone kill's someone with a particular make of car, why should we?

**HB-426-HD-1**

Submitted on: 3/17/2023 7:20:37 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mallory De Dely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

**HB-426-HD-1**

Submitted on: 3/17/2023 7:35:21 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

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

Comments:

I oppose this bill

**LATE**

**HB-426-HD-1**

Submitted on: 3/17/2023 7:44:16 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I OPPOSE this bill and feel that it infringes on my 2nd Amendment right to bear arms.

People CAN already sue if they are injured by a firearm. This bill is not needed.

**HB-426-HD-1**

Submitted on: 3/17/2023 2:45:34 AM  
Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

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

Comments:

I oppose HB 426

this is punitive and illegal.

if this is just then all the vaccine makers must be punished for deaths from their toxic jabs

**HB-426-HD-1**

Submitted on: 3/17/2023 7:48:43 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

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

Comments:

I strongly oppose HB 426. This bill is a misguided attempt to place blame on the gun industry rather than the criminal. Criminal misuse of any product should not be the manufacturer, distributor, or retailer's responsibility. A gun is just a tool, such as a vehicle. Both will not work unless someone is behind it. Go after the criminal, not business owners.

**HB-426-HD-1**

Submitted on: 3/17/2023 9:42:52 AM  
Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

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

Comments:

People already can sue if they are injured by a firearm. This bill is not needed. People have a right to bear arms. It is our constitutional right.



**HB-426-HD-1**

Submitted on: 3/16/2023 3:03:59 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

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

Comments:

The intent of this measure may be commendable but its language is flawed. Please defer this measure. Thank you.

**HB-426-HD-1**

Submitted on: 3/16/2023 3:11:43 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

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

Comments:

I am opposed to this bill

**HB-426-HD-1**

Submitted on: 3/16/2023 3:41:51 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
M. Leilani DeMello	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I OPPOSE this bill and as our elected representatives I strongly encourage you to vote as such.

Mahalo,

M. Leilani DeMello

‘Ōla‘a, Puna, Hawai‘i

**HB-426-HD-1**

Submitted on: 3/16/2023 4:28:53 PM

Testimony for PSM on 3/17/2023 3:02:00 PM



Submitted By	Organization	Testifier Position	Testify
Michael J Leong	Individual	Support	Written Testimony Only

Comments:

Testifying in **Support of HB426 HD1 with Comments:**

- Per bradyunited.org (H.R. 5678) re: Firearms Retailer Code of Conduct Act of 2021 introduced by Rep Crow-CO. There is no reported regulation under federal law requiring gun dealers to follow specific safe business practices or implement minimum security efforts to ensure guns do not end up being used by criminals.
- US Congress is reportedly divided/polarized, cannot agree to co-sponsor a bill for this proposed Act.
- The (Bureau of) ATF reportedly lacks will/personnel to regulate and enforce existing laws.
- HR5678 seeks: Training every 2 yrs to identify fraudulent/unlawful gun purchases, refusing straw purchases, trafficking, prevent sales to intoxicated/high risk persons, notification/display of potentially unlawful sales, securing guns after hours to prevent theft, and current business/liability insurance.
- Appreciate that the Hawaii State Legislature House/Senate has started this conversation- HB426 appears to have some parallels, additionally anticipates deviant use of guns/gun hardware, and discusses possible legal consequences.
- In the USA, anyone/everyone could face a civil action suit(s) for damages or injury.
- Might it be more constructive to clarify State regulations to promote gun retailer safe business practices and security efforts to protect the public from alleged criminal misuse, and in response to the recent SCOTUS NYPPRA vs Bruen decision?
- Mahalo for the opportunity to testify in **Support of HB426 With Comments.**

**HB-426-HD-1**

Submitted on: 3/16/2023 5:17:34 PM

Testimony for PSM on 3/17/2023 3:02:00 PM



Submitted By	Organization	Testifier Position	Testify
Raymond Ishii	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB 426.

This bill is a thinly veiled attempt to demonize and bankrupt the firearms industry by allowing frivolous lawsuits should a gun store sell a legal firearm or accessory that is later used in a crime. This would be like suing a auto parts store if they sold an aftermarket part for a car that was later used in a crime or suing Ford or Chevy dealerships if one of their high performance vehicles gets into an accident.

Again I strongly oppose this bill

Thank You

**HB-426-HD-1**

Submitted on: 3/16/2023 5:38:55 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Doris Segal Matsunaga	Individual	Support	Written Testimony Only

Comments:

**I support HB426,HD1**

**Doris Segal Matsunaga**

**Waimea, Hawaii island**

**HB-426-HD-1**

Submitted on: 3/17/2023 11:13:46 AM  
Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Stephen T Hazam	Individual	Oppose	Written Testimony Only

Comments:

Please OPPOSE HB426 HD1. It is vague and will result in frivolous lawsuits. This would be an infringement upon the Second Amendment right. Please OPPOSE HB426 HD1.

**HB-426-HD-1**

Submitted on: 3/17/2023 11:44:27 AM  
Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

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

Comments:

Oppose HB426 HD1



**HB-426-HD-1**

Submitted on: 3/17/2023 11:45:02 AM  
Testimony for PSM on 3/17/2023 3:02:00 PM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael A. Wee	Individual	Oppose	Written Testimony Only

Comments:

I strongly OPPOSE this measure. It is unnecessary and ineffective. Small businesses have enough to contend with already, and do not have the resources to properly screen potential buyers. They must rely on the HPD permit system.

**HB-426-HD-1**

Submitted on: 3/17/2023 12:40:48 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Chad	Individual	Oppose	Written Testimony Only

Comments:

**I am writing this testimony AGAINST House Bill 426. We all have the responsibility of being accountable. Having somebody miss use the product is that individuals failure. To hold a manufacturer accountable for criminal misuse of a product is asinine.**

**HB-426-HD-1**

Submitted on: 3/17/2023 1:10:11 PM

Testimony for PSM on 3/17/2023 3:02:00 PM



Submitted By	Organization	Testifier Position	Testify
Stanley Cadinha Jr	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

How can you blame the manufacturer or the seller for someone's carelessness or criminal behavior. Is a car manufacturer responsible for a person getting into an accident or a drunk killing somebody? Manufacturers and dealers only sell to licensed individuals whose responsibility is to ensure proper handling and storage. Carelessness or criminal activity should have no standing for a lawsuit against them.



The Heller Foundation  
P.O. Box 15496  
Washington, D.C. 20003

March 16, 2023

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

Dear Chair Tarnas, Vice Chair Takayama and distinguished members of the Hawai'i House Committee on Judicial and Hawaiian Affairs,

**The Heller Foundation** strongly **OPPOSES HB 426 (HD1)** and encourages all elected officials vote 'no' on this unconstitutional bill.

*The Heller Foundation* is a 501 c (3) non-profit, non-partisan educational organization headquartered in our nation's capitol in Washington, D.C. The Heller Foundation is a grassroots movement of Americans focused on education and fighting for our God-given, Constitutionally-entrenched, human right to bear arms. The Heller Foundation was founded in 2008 by **Dick Heller**, the plaintiff in the landmark United States Supreme Court decision, *D.C. v Heller*. **Rolling Stone Magazine** deems **Dick Heller** 'the Godfather of the Second Amendment' and, rightfully so, as Heller is the Founder and Executive Director at *The Heller Foundation*.

*District of Columbia v. Heller*, 554 U.S. 570 (2008) set binding precedent as it was the first time in history that the Second Amendment was under the microscope by the United States Supreme Court. Noted by Supreme Court Justice Antonin Scalia, the *Heller* decision affirmed that the Second Amendment protects an individual's right to keep and bear arms- unconnected with service in a militia- for traditionally lawful purposes, such as within the home and for self-defense. Hawai'i HB426 is a blatant move to attack the rights affirmed in *Heller* in a sad attempt to disenfranchise lawful gun owners throughout the state. HB426 is unconstitutional and any supporters of this unlawful bill are **morally bankrupt**.

HB426 seeks to hold responsible and punish a person or entity for the illegal actions of another human being. The unlawful, unconstitutional purpose of HB426 is to put Hawaii's privately-owned, local

businesses, gun stores and firearms manufacturers out-of-business. Supporters are intending to regulate and legislate through discriminatory, targeted laws in lieu of focusing on personal accountability. HB426 is an attempt to circumvent federal law, The Protection of Lawful Commerce in Arms Act (PLCAA0), that already exists and unlawfully creates a right of action to private citizens against already highly federally regulated firearm industry members, manufacturers, distributors and dealers based on the uneducated legal theory proponents deem 'reasonable' (read: intentionally vague terminology used in the bill) control.

Passage of HB426 would open the floodgates to abusing Hawaii's revered judiciary, statewide, and the use of intentionally vague language ('reasonable') throughout the bill subjects the entire firearms industry to crippling lawsuits- regardless of whether there was actual violations of the law- and sets terrifying precedent extending product liability on the grounds of 'negligence'.

Hawaiians cannot afford HB426 as it is a waste of already limited funding during a recession, misdirected in both purpose and intent and a waste of tax payer's hard-earned tax dollars. This bill creates the extremely strong likelihood of unending, frivolous lawsuits that would clog up the already overloaded courts throughout the state.

This legislation also violates the 14<sup>th</sup> Amendment in the United States Constitution and if passed, has a strong likelihood of being overturned by the highest court in the land- the United States Supreme Court.

As such, *The Heller Foundation* OPPOSES HB426.

Respectfully Submitted,

*Kristie J. Tertel*

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