

**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2023**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 981, RELATING TO CRIMINAL HISTORY BACKGROUND CHECKS.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

**DATE:** Tuesday, February 14, 2023      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Amy Murakami, Deputy Attorney General

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Chair Tarnas and Members of the Committee:

The Department strongly supports this bill and recommends the following amendments.

This bill amends sections 134-83 and 846-2.7(43), Hawaii Revised Statutes (HRS), to permit the county police departments to conduct fingerprint-based criminal background checks through the National Crime Information Center (NCIC) on applicants for licenses to sell electric guns. The counties can currently verify an applicant's Hawaii criminal conviction record through the Hawaii Criminal Justice Data Center. Without the ability to conduct NCIC background checks, however, counties cannot readily conduct a search for convictions in other states. This bill will provide the counties with reliable confirmation that the sellers of electric guns do not have disqualifying criminal convictions in other states.

In order for the bill to achieve its purpose, amendments are necessary. The Federal Bureau of Investigation (FBI) who operates NCIC reviewed the bill and raised concerns that: (1) the terms "entity," "principal owner," and "member of the applying entity" is not defined in the bill for the purposes of section 134-83, HRS, and (2) the bill does not specify that only fingerprints taken for the purposes of section 134-83 could be reused for a subsequent application for a license to sell electric guns under section 134-83. To address these concerns, the Department recommends the following amendments (additions are underlined and deletions are stricken):

On page 3, starting on line 4, amend section 134-83(c) as follows:

(2) The name of the responsible person, and any other names used by the responsible person, if applicable.

~~[(2)]~~ (3) . . . .

~~[(3)]~~ (4) The legal name, date of birth, and the last four digits of the social security number of ~~[each of the principal owners or members of the applying entity;]~~ the responsible person;

~~[(4)]~~ (5) The street address, telephone number fax number, and electronic mail address of ~~[each of the principal owner or members of the applying entity;]~~ the responsible person;

~~[(5)]~~ (6) . . . .

~~[(6)]~~ (7) . . . .

~~[(7)]~~ (8) That ~~[the applying entity is composed of principal owners or members who have]~~ the responsible person has had no convictions for any felony offenses;

~~[(8)]~~ (9) . . . .

~~[(9)]~~ (10) . . . .

~~[(10)]~~ (11) Within the last three years, ~~[that at least one principal owner or member of the applying entity]~~ the responsible person has completed an electric gun safety or training course, as described in subsection (b)(6); and

~~[(11)]~~ (12) . . . .

On page 4, beginning on line 15, amend the proposed section 134-83(e) as follows:

(e) Every applicant or, in the case of an applying entity, every ~~[principal owner or member]~~ responsible person, shall be fingerprinted and photographed by the police department of the county of application; provided that this requirement shall be waived where fingerprints and photographs are already on file with the police department~~[-]~~ for a prior application under this section. The police department may perform a fingerprint-based criminal history background check pursuant to section 846-2.7~~[-]~~ before any determination to issue a license is made. The applicant, responsible person, or applying entity shall be responsible for applicable fees. No license shall issue if the applicant or responsible person has any conviction for any felony offense. "

On page 5, on line 14, insert section 134-83(h) as follows:

(h) For the purposes of this section:

"Applying entity" means a business or organization, whether public, private, operated for profit, operated not for profit, or voluntary, that applies for a license to sell, offer to sell, distribute, or otherwise transfer electric guns or cartridges to a person in the State.

"Responsible person" means a partner of an applying entity, or anyone having the power to direct the management, policies, and practices of an applying entity as it pertains to electric guns. In a corporation this includes corporate officers, shareholders, board members, or any other employees with the legal authority described above.

On page 15, starting on line 18, amend section 846-2.7(43) as follows:

. . . pursuant to section 134-3, and on applicants and responsible persons, as defined in section 134-83(h), for . . . .

A proposed House Bill No. 981 H.D. 1, with the amendments recommended above, is also being submitted with this testimony for consideration. We respectfully ask the Committee to pass this bill with recommended amendments.

The Department appreciates the opportunity to submit testimony in support of this bill.

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A BILL FOR AN ACT

RELATING TO CRIMINAL HISTORY BACKGROUND CHECKS.

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

1           SECTION 1. Section 134-83, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~§~~134-83~~§~~ **License to sell, offer to sell, distribute,**  
4 **or otherwise transfer electric guns or cartridges; fee.** (a)

5 Any person desiring to sell, offer to sell, distribute, or  
6 otherwise transfer electric guns or cartridges to a person in  
7 the State, either at wholesale or retail, shall annually file an  
8 application for a license to do so with the county in which the  
9 person desires to conduct business or within the county to which  
10 the person intends the electric guns or cartridges to be sold,  
11 offered for sale, distributed, or otherwise transferred using  
12 forms prescribed by the county.

13           (b) If the applicant is an individual, the application and  
14 supporting documentation shall establish at least the following:

15           (1) The legal name, date of birth, and the last four  
16                 digits of the social security number of the  
17                 individual;

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- 1           (2) The street address, telephone number, fax number, and  
2           electronic mail address of the individual;
- 3           (3) The name and location of the principal place of  
4           business of the individual and, if applicable, each  
5           additional designated place of business from which the  
6           individual desires to sell, offer to sell, distribute,  
7           or otherwise transfer electric guns or cartridges;
- 8           (4) The individual's Hawaii tax identification number;
- 9           (5) That the individual has had no convictions for any  
10          felony offense;
- 11          (6) Within the last three years, that the individual has  
12          completed an electric gun safety or training course  
13          offered or approved by the county that focuses on:
- 14                (A) The safe use and handling of electric guns;
- 15                (B) Current information about the effects, dangers,  
16                risks, and limitations of electric guns; and
- 17                (C) Education on the existing state laws on electric  
18                guns; and
- 19          (7) Any other information the county may require.
- 20          (c) If the applicant is not an individual, the application  
21          and supporting documentation shall establish at least the  
22          following:

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1 (1) The name of the applying entity and any other name  
2 under which the applying entity does business, if  
3 applicable;

4 (2) The name of the responsible person and any other names  
5 used by the responsible person, if applicable.

6 [~~(2)~~] (3) The street address, telephone number, fax  
7 number, and electronic mail address of the applying  
8 entity;

9 [~~(3)~~] (4) The legal name, date of birth, and the last four  
10 digits of the social security number of [~~each of the~~  
11 ~~principal owners or members of the applying entity;~~]  
12 the responsible person;

13 [~~(4)~~] (5) The street address, telephone number, fax  
14 number, and electronic mail address of [~~each of the~~  
15 ~~principal owners or members of the applying entity;~~]  
16 the responsible person;

17 [~~(5)~~] (6) The name and location of the principal place of  
18 business of the applying entity and, if applicable,  
19 each additional designated place of business from  
20 which the applying entity desires to sell, offer to  
21 sell, distribute, or otherwise transfer electric guns  
22 or cartridges;

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1       ~~[(6)]~~ (7) That the applying entity is registered to do  
2                   business in the State;

3       ~~[(7)]~~ (8) That ~~[the applying entity is composed of~~  
4                   ~~principal owners or members who have]~~ the responsible  
5                   person has had no convictions for any felony offense;

6       ~~[(8)]~~ (9) The applying entity's Hawaii tax identification  
7                   number;

8       ~~[(9)]~~ (10) The applying entity's federal employer  
9                   identification number;

10       ~~[(10)]~~ (11) Within the last three years, ~~[that at least one~~  
11                   ~~principal owner or member of the applying entity]~~ the  
12                   responsible person has completed an electric gun  
13                   safety or training course, as described in subsection  
14                   (b) (6); and

15       ~~[(11)]~~ (12) Any other information the county may require.

16       (d) The applicant shall certify that the applicant will  
17       comply at all times with, and is responsible for compliance by  
18       its employees with, all provisions of law relative to the  
19       acquisition, possession, storage, sale, offer for sale,  
20       distribution, and transfer of electric guns and cartridges.

21       (e) Every applicant or, in the case of an applying entity,  
22       every responsible person, shall be fingerprinted and

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1 photographed by the police department of the county of  
2 application; provided that this requirement shall be waived  
3 where fingerprints and photographs are already on file with the  
4 police department for a prior application under this section.  
5 The police department may perform a fingerprint-based criminal  
6 history background check pursuant to section 846-2.7 before any  
7 determination to issue a license is made. The applicant,  
8 responsible person, or applying entity shall be responsible for  
9 all applicable fees. No license shall issue if the applicant or  
10 responsible person has any conviction for any felony offense.

11       ~~(e)~~ (f) Upon receipt of the completed application form  
12 and the annual licensing fee of \$50 payable to the county, the  
13 county shall review the application and may issue a license to  
14 the applicant if it determines that the applicant meets all the  
15 requirements of this section. If requested by the licensee, the  
16 county shall also provide certified copies of the license to the  
17 licensee.

18       ~~(f)~~ (g) A license issued pursuant to this section shall  
19 expire on June 30 next following the date of issuance of the  
20 license unless sooner terminated. Application for renewal of  
21 license shall be filed on or before July 1 of each year.

22       (h) For the purposes of this section:



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1       "Applying entity" means a business or organization, whether  
2 public, private, operated for profit, operated not for profit,  
3 or voluntary, that applies for a license to sell, offer to sell,  
4 distribute, or otherwise transfer electric guns or cartridges to  
5 a person in the State.

6       "Responsible person" means a partner of an applying entity,  
7 or anyone having the power to direct the management, policies,  
8 and practices of an applying entity as it pertains to electric  
9 guns. In a corporation this includes corporate officers,  
10 shareholders, board members, or any other employees with the  
11 legal authority described above."

12       SECTION 2. Section 846-2.7, Hawaii Revised Statutes, is  
13 amended by amending subsection (b) to read as follows:

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

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

20       (2) The department of health or its designee on  
21       prospective employees, persons seeking to serve as  
22       providers, or subcontractors in positions that place

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1           them in direct contact with clients when providing  
2           non-witnessed direct mental health or health care  
3           services as provided by section 321-171.5;

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

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

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

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

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

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- 1           (8) The department of human services on operators and  
2                   employees of child caring institutions, child placing  
3                   organizations, and foster boarding homes as provided  
4                   by section 346-17;
- 5           (9) The department of human services on prospective  
6                   adoptive parents as established under section  
7                   346-19.7;
- 8           (10) The department of human services or its designee on  
9                   applicants to operate child care facilities, household  
10                  members of the applicant, prospective employees of the  
11                  applicant, and new employees and household members of  
12                  the provider after registration or licensure as  
13                  provided by section 346-154, and persons subject to  
14                  section 346-152.5;
- 15          (11) The department of human services on persons exempt  
16                  pursuant to section 346-152 to be eligible to provide  
17                  child care and receive child care subsidies as  
18                  provided by section 346-152.5;
- 19          (12) The department of health on operators and employees of  
20                  home and community-based case management agencies and  
21                  operators and other adults, except for adults in care,

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1           residing in community care foster family homes as  
2           provided by section 321-15.2;

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

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

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

14          (16) The department of public safety on employees and  
15          prospective employees who are directly involved with  
16          the treatment and care of persons committed to a  
17          correctional facility or who possess police powers  
18          including the power of arrest as provided by section  
19          353C-5;

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

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- 1 (18) Private schools and designated organizations on  
2 employees and prospective employees who may be in  
3 positions that necessitate close proximity to  
4 children; provided that private schools and designated  
5 organizations receive only indications of the states  
6 from which the national criminal history record  
7 information was provided pursuant to section 302C-1;
- 8 (19) The public library system on employees and prospective  
9 employees whose positions place them in close  
10 proximity to children as provided by section  
11 302A-601.5;
- 12 (20) The State or any of its branches, political  
13 subdivisions, or agencies on applicants and employees  
14 holding a position that has the same type of contact  
15 with children, vulnerable adults, or persons committed  
16 to a correctional facility as other public employees  
17 who hold positions that are authorized by law to  
18 require criminal history record checks as a condition  
19 of employment as provided by section 78-2.7;
- 20 (21) The department of health on licensed adult day care  
21 center operators, employees, new employees,

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- 1 subcontracted service providers and their employees,  
2 and adult volunteers as provided by section 321-15.2;
- 3 (22) The department of human services on purchase of  
4 service contracted and subcontracted service providers  
5 and their employees serving clients of the adult  
6 protective and community services branch, as provided  
7 by section 346-97;
- 8 (23) The department of human services on foster grandparent  
9 program, senior companion program, and respite  
10 companion program participants as provided by section  
11 346-97;
- 12 (24) The department of human services on contracted and  
13 subcontracted service providers and their current and  
14 prospective employees that provide home and community-  
15 based services under section 1915(c) of the Social  
16 Security Act, title 42 United States Code section  
17 1396n(c), or under any other applicable section or  
18 sections of the Social Security Act for the purposes  
19 of providing home and community-based services, as  
20 provided by section 346-97;
- 21 (25) The department of commerce and consumer affairs on  
22 proposed directors and executive officers of a bank,

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1 savings bank, savings and loan association, trust  
2 company, and depository financial services loan  
3 company as provided by section 412:3-201;

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

8 (27) The department of commerce and consumer affairs on the  
9 original chartering applicants and proposed executive  
10 officers of a credit union as provided by section  
11 412:10-103;

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

13 (A) Each principal of every non-corporate applicant  
14 for a money transmitter license;

15 (B) Each person who upon approval of an application  
16 by a corporate applicant for a money transmitter  
17 license will be a principal of the licensee; and

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

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

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- 1           (29) The department of commerce and consumer affairs on  
2                    applicants for licensure and persons licensed under  
3                    title 24;
- 4           (30) The Hawaii health systems corporation on:
- 5                    (A) Employees;
- 6                    (B) Applicants seeking employment;
- 7                    (C) Current or prospective members of the corporation  
8                            board or regional system board; or
- 9                    (D) Current or prospective volunteers, providers, or  
10                            contractors,
- 11                    in any of the corporation's health facilities as  
12                            provided by section 323F-5.5;
- 13           (31) The department of commerce and consumer affairs on:
- 14                    (A) An applicant for a mortgage loan originator  
15                            license, or license renewal; and
- 16                    (B) Each control person, executive officer, director,  
17                            general partner, and managing member of an  
18                            applicant for a mortgage loan originator company  
19                            license or license renewal,
- 20                    as provided by chapter 454F;
- 21           (32) The state public charter school commission or public  
22                    charter schools on employees, teacher trainees,



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1 prospective employees, and prospective teacher  
2 trainees in any public charter school for any position  
3 that places them in close proximity to children, as  
4 provided in section 302D-33;

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

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

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

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

21 (37) The State and counties on employees, prospective  
22 employees, volunteers, and contractors whose position

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1           responsibilities require unescorted access to secured  
2           areas and equipment related to a traffic management  
3           center;

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

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

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

13           (A) Applicants for real estate appraiser licensure or  
14           certification as provided by chapter 466K;

15           (B) Each person who owns more than ten per cent of an  
16           appraisal management company who is applying for  
17           registration as an appraisal management company,  
18           as provided by section 466L-7; and

19           (C) Each of the controlling persons of an applicant  
20           for registration as an appraisal management  
21           company, as provided by section 466L-7;

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- 1           (41) The department of health or its designee on all  
2                   license applicants, licensees, employees, contractors,  
3                   and prospective employees of medical cannabis  
4                   dispensaries, and individuals permitted to enter and  
5                   remain in medical cannabis dispensary facilities as  
6                   provided under sections 329D-15(a) (4) and  
7                   329D-16 (a) (3);
- 8           (42) The department of commerce and consumer affairs on  
9                   applicants for nurse licensure or license renewal,  
10                  reactivation, or restoration as provided by sections  
11                  457-7, 457-8, 457-8.5, and 457-9;
- 12          (43) The county police departments on applicants for  
13                  permits to acquire firearms pursuant to section 134-2  
14                  ~~[and]~~, on individuals registering their firearms  
15                  pursuant to section 134-3~~[+]~~, and on applicants and  
16                  responsible persons, as defined in section 134-83(h),  
17                  for licenses to sell, offer to sell, distribute, or  
18                  otherwise transfer electric guns or cartridges  
19                  pursuant to section 134-83;
- 20          (44) The department of commerce and consumer affairs on:  
21                  (A) Each of the controlling persons of the applicant  
22                       for licensure as an escrow depository, and each

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1 of the officers, directors, and principals who  
2 will be in charge of the escrow depository's  
3 activities upon licensure; and

4 (B) Each of the controlling persons of an applicant  
5 for proposed change in control of an escrow  
6 depository licensee, and each of the officers,  
7 directors, and principals who will be in charge  
8 of the licensee's activities upon approval of  
9 such application,

10 as provided by chapter 449;

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

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

21 (47) The department of human services on current or  
22 prospective employees or contractors who have access

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1 to federal tax information in order to comply with  
2 requirements of federal law, regulation, or procedure,  
3 as provided by section 346-2.5;

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

9 (49) The department of the attorney general on current or  
10 prospective employees or employees or agents of  
11 contractors who have access to federal tax information  
12 to comply with requirements of federal law,  
13 regulation, or procedure, as provided by section 28-  
14 17;

15 [†] (50) [†] The department of commerce and consumer affairs on  
16 each control person, executive office, director,  
17 general partner, and managing member of an installment  
18 loan licensee, or an application for an installment  
19 loan license, as provided in chapter 480J;

20 [†] (51) [†] The University of Hawaii on current and prospective  
21 employees and contractors whose duties include

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1           ensuring the security of campus facilities and  
2           persons; and  
3    [+] (52) [+] Any other organization, entity, or the State, its  
4           branches, political subdivisions, or agencies as may  
5           be authorized by state law."

6           SECTION 3. Statutory material to be repealed is bracketed  
7    and stricken. New statutory material is underscored.

8           SECTION 4. This Act shall take effect upon its approval;  
9    provided that the amendments made to section 846-2.7, Hawaii  
10   Revised Statutes, by section 2 of this Act shall not be repealed  
11   when section 28 of Act 278, Session Laws of Hawaii 2022, takes  
12   effect.

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**Report Title:**

Electric Guns; Sellers; Distributors; Licensing; Criminal  
History Background Check

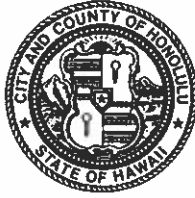
**Description:**

Authorizes a fingerprint-based criminal history background check by the county police departments of applicants for licenses to sell, offer to sell, distribute, or otherwise transfer electric guns or cartridges.

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

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI  
MAYOR

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OUR REFERENCE **JAT-DNK**

February 14, 2023

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

Dear Chair Tarnas and Members:

**SUBJECT: House Bill No. 981, Relating to Criminal History Background Checks**

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

The HPD opposes House Bill No. 981, Relating to Criminal History Background Checks.

An electric gun is not a firearm as defined in Section 134-1, Hawaii Revised Statutes. It is considered a less-lethal option such as pepper spray. Therefore, to require an electric gun applicant to be fingerprinted and photographed by the county police departments or for the county police departments to perform a fingerprint-based criminal history background check would not be legal.

A permit to acquire a firearm is not needed to purchase an electric gun. Additionally, there is no requirement to register the ownership of an electric gun with a city agency. The Department of Customer Services issues licenses only to individuals or businesses to sell, offer for sale, distribute, or otherwise transfer an electric gun.



The Honorable David A. Tarnas, Chair  
and Members  
February 14, 2023  
Page 2

The HPD urges you to oppose House Bill No. 981, Relating to Criminal History Background Checks, and thanks you for the consideration of our concerns.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Fwd Capt. A. Trinidad". The signature is stylized and includes a long horizontal stroke at the end.

Joseph A. Trinidad, Major  
Records and Identification Division

APPROVED:

A handwritten signature in black ink, appearing to read "Arthur J. Logan". The signature is written over a horizontal line.

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Arthur J. Logan  
Chief of Police



House Committee on Judiciary and Hawaiian Affairs

HEARING: February 14, 2023 at 2pm

RE: HB804 Relating to Firearms

Hawaii Firearms Coalition **OPPOSES HB804.**

The purpose and intent of this bill is unclear and none of the possible outcomes lead to a good result. The language on this bill is vague and doesn't say what it is supposed to accomplish.

1. Is the purpose to only notify the FBI without further action?

This bill would be redundant as the Terrorist Screening List is already part of the FBI National Instant Criminal Background Check System (NICS) and National Crime Information Center (NCIC) that police use to run background checks on gun owners. It would be a waste of taxpayers money and police manpower if enacted.

**“NCIC files are divided into two categories, Persons Files and Property Files, and contain the following information:...**

**Terrorist Screening Center (TSC) File**

**The TSC File contains records on individuals known or suspected to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism; and national security threat actors, who are individuals assessed to be a threat to the safety, security, or national interest of the United States pursuant to Executive Order, Presidential Memorandum or Directive, Attorney General Order, or statute. The Terrorist Screening Center is the only entity that can enter and maintain records in this file, which is available to all law enforcement/criminal justice agencies.”**

2. Is the purpose to deny gun possession on a match?

This would be unconstitutional as you cannot take away someone's rights without due process. The list is a compilation of information collected and shared between government agencies. The ACLU in the past has opposed the use of the watchlist in background checks for gun purchases as the list is secret, has many mistakes and flaws, and can be abused.

**“The ACLU strongly urges you to vote against the Cornyn Amendment because it uses the error-prone and unfair watchlist as a predicate for a proceeding to deny a firearms permit. The Cornyn Amendment establishes the watchlist system as the basis for the government to seek a court order denying a gun permit.”**

3. Is the purpose to put law abiding gun owners on the terrorist watchlist?

This would be an abhorrent abuse of power by the Government and restriction of people's rights without due process and being taken off or correcting the list is very difficult or impossible. Being added to the list also comes with the possibility of being added to the No-Fly list. Legally buy a gun and be banned from leaving Hawaii?

Please vote no on HB426.

Mahalo

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

References:

FBI Privacy Impact Assessment for the NCIC - [www.fbi.gov/file-repository/pia-ncic-020723.pdf](http://www.fbi.gov/file-repository/pia-ncic-020723.pdf)

ACLU Testimony Opposing Using the Terrorist Watchlist for Gun Purchases -  
<https://www.aclu.org/letter/aclu-letter-urging-senators-vote-no-cornyn-amendment-4749-and-feinstein-amendment-4720-hr>

**HB-981**

Submitted on: 2/13/2023 2:00:03 PM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

I am in opposition to this bill

**HB-981**

Submitted on: 2/10/2023 4:00:58 PM

Testimony for JHA on 2/14/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support

**HB-981**

Submitted on: 2/10/2023 7:18:23 PM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

I oppose this Bill.

**HB-981**

Submitted on: 2/10/2023 7:40:49 PM

Testimony for JHA on 2/14/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael I Rice	Individual	Oppose	Written Testimony Only

Comments:

I stand in opposition to this bill. At a time when violent attacks are increasing and there is a concern about people carrying firearms for self defense the state would be trying to encourage people to purchase less-than-lethal self defense options rather than discouraging them.

Currently to get a taser you need to have a background check done on you by an authorized dealer, this is done while the buyer is going through a safety lecture given by the seller. That's that, they don't have to go down to the local police department and be fingerprinted like a criminal for wanting to defend themselves non-lethally, and again they already undergo a criminal background check at the time of purchase.

**HB-981**

Submitted on: 2/12/2023 3:36:15 AM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

Oppose this bill.



**HB-981**

Submitted on: 2/12/2023 1:54:02 PM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

Please support HB981

**HB-981**

Submitted on: 2/12/2023 11:23:36 PM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

Aloha,

I OPPOSE HB981.

This bill will require an enormous drain on Police Resources in each county - both in moneys and personnel. At the same time it will do NOTHING to improve public safety.

It's only effect will be to erect a ball of bureacratic red tape that will prevent good people from being able to exercise their right to bear an electronic arm to defend themself and their loved ones. I cannot help but beleive that this is the only real purpose of this legislation. If passed into law, it will get challenged in court and cost the State millions of dollars in litigation fees.

I urge you to vote NO on HB981.

Mahalo,

Jon

**HB-981**

Submitted on: 2/13/2023 3:14:36 AM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

I am opposed to this bill for the fact that Hawaii doesn't have the money, time, or the resources to require such an unnecessary process on a less-lethal device.

**HB-981**

Submitted on: 2/13/2023 6:27:01 AM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

I strongly oppose house bill 981. This act is restrictive in its language and overreaching by politicians in preventing one's right to self-protection against death, serious bodily injury, kidnapping, rape, or forcible sodomy. Thank you for the opportunity to present my comments.

**HB-981**

Submitted on: 2/13/2023 6:27:25 AM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

I strongly oppose house bill 981. This act is restrictive in its language and overreaching by politicians in preventing one's right to self-protection against death, serious bodily injury, kidnapping, rape, or forcible sodomy. Thank you for the opportunity to present my comments.

**HB-981**

Submitted on: 2/13/2023 7:46:48 AM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

I stand in strong opposition to this proposed house bill. It restricts the right to bear arms, including electric guns, of law abiding citizens including the right to defend/protect self. It is government over reach and unconstitutional. State leaders show no ALOHA to it's citizens by continually putting obstacles in place that seek to do rob constituents of their legal rights.

Common sense does not include allowing criminals to be illegally armed, while what appears to be deliberate obstruction from state leaders, that leaves law abiding citizens vulnerable to harm including death.

**HB-981**

Submitted on: 2/13/2023 8:17:06 AM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

I oppose HB981.

**HB-981**

Submitted on: 2/13/2023 9:04:45 AM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

I am opposed to this bill.



**HB-981**

Submitted on: 2/13/2023 9:09:43 AM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

"...the right of the people to keep and bear arms, SHALL NOT BE INFRINGED"

"THE RIGHT OF SELF DEFENSE IS THE FIRST LAW OF NATURE: in most governments it has been the study of rulers to confine this right within the narrowest limits possible." (St. George Tucker)

*New York State Rifle & Pistol Association v. Bruen*

*McDonald v. City of Chicago*

*Caetano v. Massachusetts*

**HB-981**

Submitted on: 2/13/2023 9:39:26 AM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

I do not support legislation that increases fees on business entities and citizens seeking to exercise their right to self-defense.

Mahalo.

**HB-981**

Submitted on: 2/13/2023 10:42:34 AM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

Old people need this!

Why would you force them to wait if they need protection immediately !?

**HB-981**

Submitted on: 2/13/2023 10:56:11 AM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

I oppose this bill. It is already strict enough for law abiding citizens to legally acquire and carry a firearm in Hawaii. This law would only punish those who intent on protecting innocent lives from the criminals who already carry guns illegally.

**HB-981**

Submitted on: 2/13/2023 12:33:33 PM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

What you are proposing is unconstitutional! What part of 'shall not be infringed' do you not understand? Courts around our great nation have already deemed what you're proposing unconstitutional, yet you insist on wasting time and out tax money on these frivolous pursuits.

**HB-981**

Submitted on: 2/13/2023 12:46:32 PM

Testimony for JHA on 2/14/2023 2:00:00 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 HB981

this is discrimination and unlawful

**HB-981**

Submitted on: 2/13/2023 12:47:49 PM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

Go after bad guys, not Law Abiding citizens. Uphold your Oath to protect The United States Constitution.

**HB-981**

Submitted on: 2/13/2023 1:17:47 PM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

I oppose HB981

this is discriminatory and illegal



**HB-981**

Submitted on: 2/13/2023 1:28:21 PM

Testimony for JHA on 2/14/2023 2:00:00 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 strongly oppose HB981. Unconstitutional!

**HB-981**

Submitted on: 2/13/2023 1:50:03 PM

Testimony for JHA on 2/14/2023 2:00:00 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 HB981

this is illegal and discriminatory.

**HB-981**

Submitted on: 2/13/2023 1:53:02 PM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

This bill is unconstitutional!

**HB-981**

Submitted on: 2/13/2023 1:57:34 PM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

I am a law abiding citizen.

The 2nd Amendment protects my right to carry a firearm so that I may protect myself.

Bills like this do not support my rights as an American Citizen.

Bills like this actively restrict my rights and the rights of all Americans.

These laws empower and encourage criminals.

The average police response time can be anywhere from 3 minutes to 15 minutes, by that time I could be beaten, raped or killed.

Do not restrict my ability to protect myself or my family.

It is your responsibility to encourage your citizens to protect themselves and their community.

Unless your goal is to make your citizens victims.

**HB-981**

Submitted on: 2/13/2023 9:47:27 PM

Testimony for JHA on 2/14/2023 2:00:00 PM

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

Comments:

Stop infringing on our Second Amendment

rights!