



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 2342, H.D. 1, RELATING TO WEAPONS.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND
MILITARY AFFAIRS

DATE: Friday, March 15, 2024

TIME: 3:03 p.m.

LOCATION: State Capitol, Room 225 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Nicholas M. McLean, First Deputy Solicitor General

Chair Wakai and Members of the Committee:

The Department of the Attorney General (Department) supports this bill and offers the following comments. We also suggest one amendment, which would add a section to the bill to clarify a provision of section 134-2, Hawaii Revised Statutes (HRS), relating to permits to acquire firearms.

The purpose of this bill is to update and modernize Hawaii's laws governing weapons.

Under longstanding Hawai'i law, it is a class C felony to "knowingly possess[]" a "pistol" or "other deadly or dangerous weapon" "while engaged in the commission of a crime." Section 134-51, HRS. This bill modernizes and updates that prohibition by creating a separate class C felony offense for carrying a firearm while engaged in the commission of a separate misdemeanor offense. The new section would clarify that this prohibition applies to all firearms, not just pistols, and would clarify that this prohibition covers the armed commission of separate misdemeanor offenses but does not include petty misdemeanors. These revisions are intended to facilitate enforceability and provide improved notice to the public. As revised, this prohibition is intended to protect the public from the serious risks associated with the carrying of firearms by criminals, while respecting the right of "law-abiding, responsible citizens," *New York State Rifle &*

Pistol Ass'n, Inc. v. Bruen, 597 U.S. 1, 26 (2022), to carry a firearm as set forth in recent decisions interpreting the Second Amendment.

This bill also revises and updates certain other provisions pertaining to deadly and dangerous weapons. Revisions to section 134-51, HRS, are warranted to protect the public from risks associated with deadly or dangerous weapons, facilitate enforcement, implement the terms of a recent permanent injunction entered by the federal district court, and provide fair notice to the public. To achieve those goals, section 3 of the bill revises section 134-51, HRS, by:

- Removing a reference to a “slug shot” (also sometimes referred to as a “slungshot”), which was a type of weapon that is essentially obsolete today;
- Clarifying that billies do not fall within the scope of section 134-51, HRS, pursuant to a stipulated final judgment and permanent injunction entered by the federal district court for the District of Hawai‘i in *Yukutake v. Lopez*, 1:22-cv-00323-JAO-WRP (D. Haw. May 23, 2023);
- Clarifying that firearms, switchblade knives, butterfly knives, and electric guns are not covered by section 134-51, HRS, because those weapons are addressed by other statutory provisions;
- Updating section 134-51(a), HRS, to clarify that the focus of the provision is on regulating the concealed carrying of deadly or dangerous weapons outside of the home, as opposed to the simple possession of such weapons; and
- Removing certain obsolete or ambiguous language, to facilitate enforcement and avoid potential legal challenges.

Additionally, the bill amends section 134-51, HRS, to remove pistols and firearms from the ambit of section 134-51, HRS, because firearms are specifically addressed by other provisions in part I of chapter 134, HRS.

Further, the bill amends section 134-52, HRS, regarding switchblade knives, and section 134-53, HRS, regarding butterfly knives, to revise and clarify the scope of those prohibitions. The bill removes prohibitions on “manufactur[ing], sell[ing], transfer[ring],

possess[ing], or transport[ing]" switchblade knives and butterfly knives, and creates a more targeted prohibition on the concealed carry of these weapons. This amendment seeks to protect the public while aligning Hawai'i's laws with the laws of certain other states—such as Oregon and North Carolina—that prohibit the concealed carrying of weapons such as switchblades. See, e.g., Or. Rev. Stat. § 166.240(1) (prohibiting "carr[ying] concealed upon the person any knife having a blade that projects or swings into position by force of a spring or by centrifugal force"); N.C. Gen. Stat. § 14-269 (similar).

Finally, consistent with the purpose of this bill—updating, modernizing, and clarifying state laws pertaining to weapons—the Department suggests an amendment that would clarify a provision of section 134-2, HRS, relating to permits to acquire firearms. Currently, section 134-2(g) provides in relevant part that "[n]o person shall be issued a permit . . . for the acquisition of a [rifle or shotgun] unless the person, within the four years before the issuance of the permit, has completed . . . [a]n approved hunter education course as authorized under section 183D-28[.]" However, section 183D-28 also provides that "a hunter education certificate" "shall be valid for the life of the person[.]" To address this inconsistency and resolve any potential ambiguity in the law, we suggest the addition of a new section to the bill to amend section 134-2, HRS, to add a new subsection (m) that reads as follows:

"(m) The requirements of subsection (g) shall not apply to an applicant for a permit to acquire a rifle or shotgun who:

- (1) Has been issued a hunter education certificate under section 183D-28 that is valid for the life of the person; or
- (2) Has received a written exemption under section 183D-28."

Please note that, as indicated on page 119 of the Hawaii Legislative Drafting Manual, the addition of the new subsection (m) will require that the entire section 134-2, HRS, be set forth in the new section of the bill.

We respectfully ask your committee to pass this bill with the suggested amendment proposed above. Thank you for the opportunity to testify on this bill.

JON N. IKENAGA
STATE PUBLIC DEFENDER

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H.B. No. 2342, HD1: RELATING TO WEAPONS

Chair Glenn Wakai
Vice Chair Brandon J. C. Elefante
Honorable Committee Members

The Office of the Public Defender **opposes** this bill.

The Supreme Court of the United States has interpreted the Second Amendment to the United States Constitution to confer individuals with the right to bear arms and carry weapons in self-defense. *District of Columbia v. Heller*, 554 U.S. 570 (2008). In 2022, the Court made it clear that this right extends to carrying weapons outside the home. *New York State Rifle & Pistol Assoc., Inc. v. Bruen*, 597 U.S. 1 (2022). The Court also fashioned the test to determine when State action infringes on this right. If the statute covers constitutionally protected conduct like carrying a weapon for self-defense purposes, it falls on the Government to “demonstrate that the regulation is consistent with this Nation’s historical tradition of firearm regulation.” *Id.* at 17.

And while the Hawai‘i Supreme Court has recently rebuked this analysis and held that our State Constitution does not recognize an individual right to bear arms, the National Constitution does, and it cannot be ignored.

Section 2 creates a new felony offense for carrying a firearm “while engaged in the commission of a separate misdemeanor offense[.]” This means that a person who lawfully acquires a firearm for self-defense purposes and later commits a misdemeanor is guilty of a class C felony and loses the right to have firearms for the rest of their life. It can lead to unintended consequences. Suppose a defendant, while

carrying a pistol holstered to their person, punches an intruder in the defendant's home and is charged with assault in the third degree. If the jury rejects their defense and finds the person guilty of the misdemeanor offense, they would also be found guilty of this new felony offense even if the person's carrying of the firearm was lawful and unrelated to the misdemeanor. The section 2 offense would arguably be unconstitutional.

The other sections are also constitutionally suspect. The rights in the Second Amendment are not confined to firearms. See *Caetano v. Massachusetts*, 577 U.S. 44, 411-412 (2016) (per curiam); *Teter v. Lopez*, 76 F.4th 938 (9th Cir. 2024). An outright ban on carrying of knives and other bladed weapons outside the home—even when carried in self-defense and, therefore, protected by the Second Amendment—invites a constitutional challenge.

This bill criminalizes constitutionally protected conduct, and prosecutors will struggle to explain how these offenses and their cases would be justified under the *Bruen* test. It should be deferred.

**DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE GLENN WAKAI, CHAIR
THE HONORABLE BRANDON ELEFANTE, VICE CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY
AND INTERGOVERNMENTAL AND MILITARY AFFAIRS
Thirty-Second State Legislature
Regular Session of 2024
State of Hawai`i**

March 15, 2024

RE: H.B. 2342, H.D.1; RELATING TO WEAPONS.

Chair Wakai, Vice Chair Elefante, and members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") **supports** HB 2342, HD1.

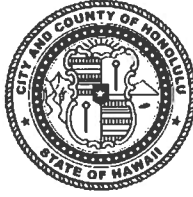
The purpose of the bill is to clarify, update, and revise Hawaii's laws relating to weapons in order to address hazards to public health, safety, and welfare.

The Department recognizes that, while the use of a firearm in the commission of a felony is already prohibited under Section 134-21, Hawaii Revised Statutes, there is a need to expand the use of firearms in misdemeanor offenses (e.g., Disorderly Conduct, Trespass, etc.). Additionally, the Department supports all of the amendments and clarifications addressed in Chapter 134 to enhance the safety of the public.

Thank you for the opportunity to present testimony on HB 2342, HD1.

POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
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HOPE LUNA NUI MĀKA'I

OUR REFERENCE **HA-NG**

March 15, 2024

The Honorable Glenn Wakai, Chair
and Members
Committee on Public Safety and Intergovernmental
and Military Affairs
State Senate
415 South Beretania Street, Room 225
Honolulu, Hawai'i 96813

Dear Chair Wakai and Members:

SUBJECT: House Bill No. 2342, H.D. 1, Relating to Weapons

I am Major Hunter Ah Loo of District 3 (Waipahu/Pearl City/'Aiea) of the Honolulu Police Department (HPD), City and County of Honolulu.

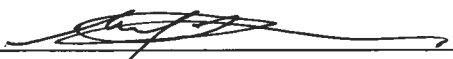
The HPD supports House Bill No. 2342, H.D. 1, Relating to Weapons. The HPD supports the purpose of this Act to clarify, update, and revise Hawai'i's law relating to weapons. Although the HPD has a law prohibiting the carry or use of a firearm in the commission of a separate felony, a new law to specifically address the carry or use of a firearm in the commission of a separate misdemeanor is necessary, given the increase in recent gun laws. Additionally, as proposed, any crime committed with the use or threat of a firearm shall be in addition to, and not in lieu of, any conviction and sentence for the separate misdemeanor.


The HPD urges you to support House Bill No. 2342, H.D. 1, Relating to Weapons.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


Arthur J. Logan
Chief of Police


Hunter Ah Loo, Major
District 3

HB-2342-HD-1

Submitted on: 3/12/2024 4:10:59 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Brendan Ajolo	Individual	Oppose	Written Testimony Only

Comments:

Oppose bill

HB-2342-HD-1

Submitted on: 3/12/2024 4:46:10 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Tanaka	Individual	Oppose	Written Testimony Only

Comments:

Oppose because pockets on womens pants are different than mens pants. So for me to clip a knife to it, leaves me no chocie but to have it as concealed as my shirt will cover it.

HB-2342-HD-1

Submitted on: 3/12/2024 4:47:48 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Marcus Tanaka	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE this as the only reason why you're passing it is because of the lawsuit and want to stiff the attorney. And instead of making the knives legal to carry in any way, you're neutering the bill to say one cannot conceal it. Basically, you're making life as difficult as possible, but still complying with the lawsuit.

HB-2342-HD-1

Submitted on: 3/12/2024 5:53:59 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

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

Comments:

I stand in opposition to this bill as it seems redundant. We already have adequate laws regarding firearms and their use in crime, they are either not being enforced or not being prosecuted. How many times do we see that numerous existing gun laws can be leveled against a suspect but usually only catch one charge?

I will use the example of a shooting at Makaha beach that resulted in the death of a 17 year old at the hands of a 16 year old. The 16 year old only received a charge of ‘place to keep’ in regards to firearms when there are at least 3 other firearms related crimes he could have been charged with and that doesn’t include if he was using a stolen weapon, illegal magazines, or illegal firearms parts.

I have a concern that the law can be used to target otherwise law abiding gun owners, where someone with a carry permit can be turned into a felon because now violating one of the new ‘Sensitive Places’ laws and several other new firearms laws that are not considered petty misdemeanors now elevates such offenses to the level of felony.

I also don’t get making it illegal to conceal carry different knives that are more or less made to be carried concealed. Most of these do not have a means to openly carry said knife other than just having it in the hands at all times.

HB-2342-HD-1

Submitted on: 3/12/2024 10:13:36 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Beth Anderson	Individual	Support	Written Testimony Only

Comments:

I support HB 2342. Firearms in the hands of citizens don't belong on the streets of Hawaii anywhere, and especially for use in committing misdemeanor crimes. Penalties for use of a firearm in committing a misdemeanor should be severe. Get rid of guns in Hawaii and strengthen our gun control laws. This is the aloha state not the gun state. Also, strengthen restrictions concerning the possession of butterfly knives and other dangerous knives.

Mahalo for considering my views and opinions. Please support HB 2342 for a safer Hawaii for citizens and visitors.

HB-2342-HD-1

Submitted on: 3/13/2024 10:33:10 AM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Bronson Teixeira	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose hb2342, making a law abiding citizen a felon for simply forgetting that they have a firearm on themselves is ridiculous and a bit extreme.

HB-2342-HD-1

Submitted on: 3/13/2024 12:09:55 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Bernardo Soriano	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2342. This bill would make law abiding citizens who have gone through strict scrutiny to obtain their right to bear arms be it a firearm or knife/weapon felons even if said defense weapons were not used, purely just having a defensive tool on them. This bill will not cut down the number violent crimes being committed as criminals willingly disobey all laws. all this does is put law abiding citizens at risk for becoming felons just because they went the extra step to have a defensive tool on them to protect themselves. Misdemeanors are misdemeanors for a reason, and to suddenly increase that to a felony just because a law abiding citizen chooses to arm him or herself (even if not used in committing a misdemeanor) does not make sense, nor does it sound constitutional. Thanks for taking the time to read my testimony,

HB-2342-HD-1

Submitted on: 3/13/2024 1:59:09 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Arakawa	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE this bill. Carrying a firearm during a misdemeanor offense and making it a felony makes no sense unless it only applies to non-concealed license holders (criminals)

HB-2342-HD-1

Submitted on: 3/13/2024 3:35:37 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I **oppose** this Bill and I urge all committee members to **VOTE NO**.

HB-2342-HD-1

Submitted on: 3/13/2024 5:24:16 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Moylan	Individual	Oppose	Written Testimony Only

Comments:

I, Michael Moylan, oppose HB2342 HD1.

HB-2342-HD-1

Submitted on: 3/13/2024 5:24:34 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Andy ozie	Individual	Oppose	Written Testimony Only

Comments:

Have you people have no common sense? Why should violent criminals that know they will not be prosecuted continue to run around harming people.

Look at states with open carry laws. Criminals don't even try to steal kill or destroy.

The people of those other states, you know the ones without crime or homeless people walking around drugged out of their minds, are not about waiting for the police to come and save people. They regulate themselves and this had been tried and true to preventing violent crime.

Your gun control laws are insane. CRIMINALS WILL ALWAYS FIND A WAY TO OBTAIN UNREGISTERED FIREARMS. The war on drugs is a prime example of this gun control logic.

Take a few moments and watch some YouTube videos of armed citizens stopping robbers.

Get your heads out of your asses and stop acting like guns are the problem.

The problem is the lack of education and fatherhood in households. The lack of values and no respect for anyone leads to a society where people become unhinged.

Chicago has some of the strict gun control laws in the nation yet there are over 200 shootings every weekend. Why is that? I ask you to think.

HB-2342-HD-1

Submitted on: 3/13/2024 5:27:40 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
April Handog	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-2342-HD-1

Submitted on: 3/13/2024 5:28:26 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Robin D. Ganitano	Individual	Oppose	Written Testimony Only

Comments:

Unconstitutional and infringing on We the People of Hawaii's 2nd Amendment rights.

HB-2342-HD-1

Submitted on: 3/13/2024 5:46:52 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaiulani Bowers	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill because it is our Right to carry and use firearms regardless of separate misdemeanors

HB-2342-HD-1

Submitted on: 3/13/2024 5:54:28 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
David Williams	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose

HB-2342-HD-1

Submitted on: 3/13/2024 6:35:51 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Elmer Domingo	Individual	Oppose	Written Testimony Only

Comments:

i strongly oppose this bill.

HB-2342-HD-1

Submitted on: 3/13/2024 7:02:21 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Joel Berg	Individual	Oppose	Written Testimony Only

Comments:

Having a concealed restriction on carrying one of these extremely useful tools displays a bizarre hysterical cowardice. These knives are legal in almost all states. There is no increased incidence in crimes committed with them. In fact they are cost prohibitive to criminals when you can buy a kitchen knife at Wal-Mart for only a few dollars. Should we legislate folding tree limb saws as well? They're another useful tool looks scary and has NO KNOWN ASSOCIATING with crime. The only thing this law would protect is the legislator's feelings for having spent so much tax payer money in court defending our existing, soon to be overturned, automatic knife law.

HB-2342-HD-1

Submitted on: 3/13/2024 7:35:10 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Lesha Mathes	Individual	Oppose	Written Testimony Only

Comments:

This could cause someone with a conceal carry to have a felony if they get a ticket for jaywalking or some other minor offense. Way too vague.

HB-2342-HD-1

Submitted on: 3/13/2024 7:52:20 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
James R Cabodol Jr	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE,OPPOSE,OPPOSE

HB-2342-HD-1

Submitted on: 3/13/2024 7:46:55 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Samuel Webb	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill, because carrying a knife in the open would make you a target for the criminals.

HB-2342-HD-1

Submitted on: 3/13/2024 7:58:39 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Tai Horen	Individual	Oppose	Written Testimony Only

Comments:

I oppose hb2342. It seems to be targeting law abiding citizens and especially concealed carry holders to a law that will make them a felon by committing a misdemeanor crime, in which many of them are vague and non violent. Also oppose the legislation on not being able to conceal carry these knives that are deemed legal now. How is one supposed to transport or use said knife if one can not put it in their pocket or bag. Please reconsider hb2342 thank you.

HB-2342-HD-1

Submitted on: 3/13/2024 8:25:59 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Alice Abellanida	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. More violation of the 2nd amendment. Vote no on this bill.

HB-2342-HD-1

Submitted on: 3/13/2024 9:47:13 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Jon DS	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-2342-HD-1

Submitted on: 3/13/2024 10:56:27 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Chase Cavitt	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to the bill HB2342. This bill could be weaponized against those who have gone through the legal practice of carrying a firearm with a concealed carry permit. This bill is conflating issues that are arguably unconstitutional and recent laws that claim carrying a firearm in certain locations are committing a misdemeanor. This would make the concealed carry permit holder in that location now a felony and strip away rights to have a firearm for life. This is another way to strip rights from logical and sensible people with hopes to prevent crimes that are not being done by law abiding people. The people carrying firearms and committing crimes are not law abiding citizens and will not follow laws regardless. Please don't just vote yes for this for your political faction. This bill is not going to prevent crime and simply will make currently law abiding citizens into criminals. Please vote NO on HB 2342.

HB-2342-HD-1

Submitted on: 3/13/2024 11:15:09 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Lionel Delos Santos	Individual	Oppose	Written Testimony Only

Comments:

Aloha legislater i strongly opposed this bill because it cannot be inforced crimminal carry without remorse and already felony not fare for that have permits to carry and follow the laws

thank you

HB-2342-HD-1

Submitted on: 3/14/2024 5:09:08 AM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
james wallace	Individual	Oppose	In Person

Comments:

I oppose HB2342.This should not be a seperate violation offense.Thats again targeting us law abiding citizens.Target criminals not law abiding citizens with conceal carry.Stop giving criminals the upperhand!!!

HB-2342-HD-1

Submitted on: 3/14/2024 7:12:48 AM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Sean J deMello	Individual	Oppose	Written Testimony Only

Comments:

morning,

My name is Sean J DeMello and i am opposing this bill because it is just another avenue to completely criminalize our right to carry a firearm.

Thank you.

I oppose for HB2342

I oppose "Carrying of a Firearm in the commission of a separate misdemeanor". This unfairly discriminates against Concealed Carry Weapons holders who commit minor offenses that get upgraded to felonies for no related reason. I feel there are already laws on the books that deal with this such as HRS 134-25 Place to Keep Pistol or Revolver or HRS 134-7 Ownership, Possession, or Control Prohibited (of firearms) which are felonies. The currently laws just have to be enforced

I support removing the ban on butterfly knives, switchblade knives, and batons. However these items are or will be found to be protected by the 2nd Amendment's right to keep and bear arms in the Federal courts whether this HB2342 passes or not.

I OPPOSE the ban on the concealed carry of butterfly and switchblade knives in public as there is no reason to do so. These types of knives are no more dangerous than any other type of knife: pocket knives, kitchen knives, etc. Rather it's the perception of danger from the 1980's crime movies that perpetuated the fear in them. I have met many women who carry these types of knives in their purse for self-defense in the past, not knowing they are prohibited in Hawai'i.

I cannot see the reason why the Government would want them to be carried openly. Please watch this video which was used as expert witness testimony in the Roa v Lopez lawsuit. It demonstrates the drawing the switchblade knife from a pocket compared to other types of knives with the result being the type of knife doesn't matter.

Expert witness testimony comparing the knife draw from Burton Richardson, a local expert martial artist: https://youtu.be/gdwPQ_IILZM

Todd Yukutake
toddyukutake@gmail.com
808-255-3066

Lawsuit references:

1. Butterfly knives - Ban was found to be unconstitutional in the 9th Circuit Court of Appeals. Teter v Lopez opinion: <https://cdn.ca9.uscourts.gov/datastore/opinions/2023/08/07/20-15948.pdf>
2. Switchblade knives - Lawsuit filed in Federal District Court and is stayed pending Teter v Lopez. <https://dockets.justia.com/docket/hawaii/hidce/1:2023cv00079/163389>
3. Batons - Lawsuit was settled with the State in Federal District Court with an injunction. Yukutake v Lopez: <https://www.courtlistener.com/docket/66787905/todd-yukutake-v-anne-e-lopez/>

HB-2342-HD-1

Submitted on: 3/14/2024 7:39:30 AM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
steven a kumasaka	Individual	Oppose	Written Testimony Only

Comments:

strongly oppose

HB-2342-HD-1

Submitted on: 3/14/2024 8:37:38 AM

Testimony for PSM on 3/15/2024 3:03:00 PM

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

Comments:

To whom it may concern,

I oppose this bill, this bill is too harsh on legal gun owners, this will not keep guns out of criminals hands because they will always find a way to obtain these guns regardless of laws.
mahalo

HB-2342-HD-1

Submitted on: 3/14/2024 8:27:47 AM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Fred Delosantos	Individual	Oppose	Written Testimony Only

Comments:

please oppose HB2342. this just doesn't make sense. please focus your efforts on real crime fighting measures, such as keeping repeat offenders behind bars, locking up the mentally ill and criminally insane people, and shutting down the infamous Hawai'i catch-and-release criminal non-incarceration catastrophe.

this is starting to give Hawai'i a black eye, and is a turn-off for tourism. Pretty soon, Hawai'i is gonna be like Venezuela, or Haiti.

HB-2342-HD-1

Submitted on: 3/14/2024 9:14:34 AM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
David Soon	Individual	Oppose	Written Testimony Only

Comments:

Hello folks,

My name is Dave and I am just an old retired guy who is interested in knives and firearms.

With all the other problems facing this state nowadays, why are you wasting time and money on useless legislation like this? RE: switchblade knives, there are much more dangerous legal knives than switchblades. I usually carry a pocket knife and little flashlight wherever I go, like a good boy scout. My pocket knives are designed to open just as fast as switchblades and they are better quality and inexpensive and completely legal.

In summary, please stop wasting my time and tax dollars on useless issues and tackle the real problems of this state.

Dave

HB-2342-HD-1

Submitted on: 3/14/2024 10:16:51 AM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
scott shimoda	Individual	Oppose	Written Testimony Only

Comments:

Dear Representatives,

I oppose this bill. So legal to open carry but not place in pocket to carry? Why would i walk around with a knife in my hand?

Mahalo,

Scott

HB-2342-HD-1

Submitted on: 3/14/2024 10:33:51 AM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
davin asato	Individual	Oppose	Written Testimony Only

Comments:

To Whom It May Concern, I am writing to ask for your opposition to HB2342. The way that the knives are described, makes any folding knife an issue in this bill. With it being worded to, “gravity, inertia or both,” this is the basic function of a simple folding pocket knife that many carry for everyday use. Additionally, with it not have a specific to a length of blade makes it so that even a key chain box cutter could be identified in this bill. Electric guns already have their limitations and laws of use as well as firearms. It creates the scenario of a law abiding citizen protecting themselves and coming under the attack of the State or criminal to be prosecuted for defending themselves but never using a concealed “weapon” to do so. Just by simply having it on them would make them guilty.

HB-2342-HD-1

Submitted on: 3/14/2024 10:32:17 AM

Testimony for PSM on 3/15/2024 3:03:00 PM

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

Comments:

I oppose HB2342

HB-2342-HD-1

Submitted on: 3/14/2024 11:26:16 AM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
ANDREA DEMELLO	Individual	Oppose	Written Testimony Only

Comments:

My name is Andrea DeMello. I am a tax paying Hawaii resident. I STRONGLY OPPOSE this bill. Mahalo

HB-2342-HD-1

Submitted on: 3/14/2024 11:49:09 AM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeanine Acopan	Individual	Oppose	Written Testimony Only

Comments:

Opposed!!!

HB-2342-HD-1

Submitted on: 3/14/2024 11:54:59 AM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
James K. Rzonca	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

HB-2342-HD-1

Submitted on: 3/14/2024 12:14:53 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacob Holcomb	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE this measure because we have enough laws already that aren't being enforced, and therefore the only reason to pass new laws is to set up traps for law abiding people that the State doesn't like.

The method of blade deployment doesn't make them any more or less dangerous. Use some common sense. This is just silly.

HB-2342-HD-1

Submitted on: 3/14/2024 1:29:00 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Steve Robertson	Individual	Oppose	Written Testimony Only

Comments:

Oppose

this is pointless.

HB-2342-HD-1

Submitted on: 3/14/2024 1:58:44 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Rzonca	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. Also the wording is subjective as anything can be defined as a weapon when used as such.

HB-2342-HD-1

Submitted on: 3/14/2024 2:01:39 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
CHESTER LUM	Individual	Oppose	Written Testimony Only

Comments:

Thank you for allowing me to submit testimony opposing this bill.

HB2342 should be withdrawn.

Once again, thank you for allowing me to submit testimony opposing this bill.

Chester Lum

HB-2342-HD-1

Submitted on: 3/14/2024 2:05:25 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Cassidy KOHOUT	Individual	Oppose	Written Testimony Only

Comments:

Philosophically speaking, humans have a right to self-defense, with whatever tool may be available. If somebody is on top of you beating you to death, and there is a rock, stick or knife on the ground next to you, you have every right to pick up that weapon and use it against your attacker.

Yet bills like this continue to attempt to dissuade somebody from maintaining access to useful weapons as a contingency in case they're needed, or as a deterrent. It's not as if we gain a right to speak or assemble only during a demonstrably dire situation; why is the right to self-defense treated so differently?

Offensive use or threatening display of weapons is already highly illegal, and rightfully so. Possession and transport of weapons is already highly regulated. Is our justice system so distorted, that the only way to deter dangerous people, is to pass ever-increasingly draconian laws, to ensure that prosecutors maintain the power to coerce the accused into ever-harsher plea deals?

Practically speaking, this bill is confusing, and would put another layer onto what's already a messy legal ecosystem.

Under this bill, a person with a firearm who commits a misdemeanor, other than a petty misdemeanor, is now a felon. Even if the firearm was legally possessed, being transported in a legal manner, and was not used in or related to the misdemeanor.

I am a hunter and a target shooter, so I routinely transport legal firearms in legal ways for legal purposes. I can't help but feel this bill goes out of its way to hang a sword of Damocles over my head, and the head of every other gun owner, for having the gall to possess a firearm. (Which is a right legally enumerated in Section 17 of the Hawaii Bill of Rights, as well as elsewhere.)

This bill would also make it illegal to concealed carry a switchblade or butterfly knife, or to even carry such a knife in a "bag or other container".

There are many situations where it is legal to carry even a gun in a container. What logic is there in having more restrictive laws regarding knife transport than firearms transport? Under this law,

would the only legal way to transport a switchblade be to keep it in the open? Further, if there exists a permitting process for legally concealed-carrying firearms, why wouldn't there be such a process for knives?

Also, it's not as if there are clear definitions of switchblades or butterfly knives. Hardware stores sell utility knives that are rather switchbladey. Gerber makes a folding machete that is rather butterfly-knifey. Even more ambiguous is the line between "dagger" and "dive knife" or "Bowie knife", or between "blackjack" and "billy".

The law and justice system should focus on the illegal use of weapons, rather than spilling so much ink trying to define weapons, and rather than trying to perniciously discourage people from practicing their right to self-defense.

The bill would make it a misdemeanor to concealed carry a dirk, dagger, blackjack, metal knuckles, but not a billy. Anybody who uses, possesses, or threatens to use any non-firearm weapon, including a billy, while committing a separate felony or misdemeanor, including a petty misdemeanor, is committing a felony.

So if you're committing a petty misdemeanor with a firearm in your pocket, it's not a felony, but with brass knuckles in your pocket, it is a felony?

So much of the language here is nonsensically byzantine. Let people be prosecuted for the crimes they actually commit. Please craft and pass better, sensible legislation.

-Cassidy Kohout, Kihei

HB-2342-HD-1

Submitted on: 3/14/2024 2:18:44 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

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

Comments:

Prohibiting individuals from carrying firearms during misdemeanor offenses in Hawaii is a misguided policy that undermines personal freedoms and fails to address the complexities of criminal behavior. Such a blanket restriction disregards the principle of proportionality, punishing individuals with a severe limitation for relatively minor infractions. This approach ignores the fact that most misdemeanor offenses do not involve violence or pose a significant threat to public safety.

Additionally, prohibiting firearm carry during misdemeanor offenses fails to address the root causes of crime and violence in Hawaii. Instead of focusing on restricting rights, efforts should prioritize targeted interventions, rehabilitation, and addressing socio-economic factors that contribute to criminal behavior.

Furthermore, this prohibition could deter individuals from seeking legal recourse or self-defense in potentially risky situations, leaving them vulnerable to harm. Rather than imposing broad restrictions, a more effective approach would involve promoting responsible firearm ownership, enhancing access to mental health resources, and implementing community-based interventions to address the underlying issues driving criminal behavior. This approach would better balance public safety concerns with individual rights and freedoms.

HB-2342-HD-1

Submitted on: 3/14/2024 2:26:03 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Charlene Lum	Individual	Oppose	Written Testimony Only

Comments:

I oppose.

HB-2342-HD-1

Submitted on: 3/14/2024 2:59:49 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

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

Comments:

I strongly oppose HB2342 because you make a person a felon by having a gun. If I have a firearm in my possession on the highway or a county road on my way home from hunting and get stopped for some kind of traffic violation I'll be considered a felon. Maybe you should consider going for the real criminals and not make us the scapegoats

HB-2342-HD-1

Submitted on: 3/14/2024 2:59:51 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
kaipo ballungay	Individual	Oppose	Written Testimony Only

Comments:

aloha

I an a voter. I believe in the Constitution. Please do not support this bill as it disarms the good guy. Bad people will buy ans carry guns illegally. But prohibiting good people will only empower the Bad. I do not fear a room full of good guys with legal licenses to carry legally. We need more of these to dissuade the many bad elements from taking action . I believe in registration and training. Education and teamwork. This bill counters the good law bidding citizens.

Mahalo

HB-2342-HD-1

Submitted on: 3/14/2024 3:08:48 PM

Testimony for PSM on 3/15/2024 3:03:00 PM



Submitted By	Organization	Testifier Position	Testify
Wendy Nguyen	Individual	Oppose	Written Testimony Only

Comments:

The Constitution is the "LAW of this Land"

This bill is in direct violation of the Second Amendment of the United States Constitution, this bill should not have even been suggested, everything about it is UNLAWFUL.

Mayberry VS. Madison (1803) decision concluded, "a law repugnant to the Constitution is void, and courts, as well as other departments are bound by that instrument."

Please stop wasting the taxpayer's money on frivolous bills that waste everyone's time.

LATE

HB-2342-HD-1

Submitted on: 3/14/2024 5:38:44 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Wayne Asam	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to HB 2342, which aims to prohibit individuals from carrying a firearm during a misdemeanor offense, thereby escalating the offense to a felony. While I understand the intention behind this bill, I firmly believe that it poses significant risks and challenges that outweigh any potential benefits.

First and foremost, this bill would disproportionately impact law-abiding citizens who may inadvertently find themselves in violation of misdemeanor offenses while lawfully carrying a firearm. The potential consequences of a minor infraction escalating to a felony charge simply due to the presence of a firearm are severe and unjust. Such a harsh penalty fails to consider the circumstances surrounding the offense and undermines the principle of proportionality in our justice system.

Furthermore, the language of the bill is overly broad and ambiguous, particularly regarding what constitutes a "misdemeanor offense." This lack of clarity leaves room for misinterpretation and abuse, potentially leading to arbitrary enforcement and unnecessary criminalization of innocent individuals.

Moreover, HB 2342 fails to address the root causes of gun-related offenses and does little to enhance public safety. Instead of focusing on punitive measures that target law-abiding citizens, our efforts should be directed towards implementing comprehensive solutions that address underlying socioeconomic factors, mental health issues, and access to illegal firearms.

In conclusion, I urge you to reconsider HB 2342 and explore alternative approaches that prioritize fairness, clarity, and effectiveness in addressing firearm-related offenses. It is essential to uphold the rights of responsible gun owners while simultaneously promoting public safety and preventing unnecessary criminalization.

Thank you for considering my concerns regarding this matter.

Sincerely,

Wayne Asam

HB-2342-HD-1

Submitted on: 3/14/2024 6:59:48 PM

Testimony for PSM on 3/15/2024 3:03:00 PM



Submitted By	Organization	Testifier Position	Testify
Andrew Namiki Roberts	Testifying for Hawaii Firearms Coalition	Oppose	In Person

Comments:

Opposition to House Bill 2342: Concerning the Removal of Judicial Discretion and Redundancy in Legislation

Honorable Members of the Legislature,

I write to express our opposition to House Bill 2342, particularly focusing on two critical issues: the detrimental removal of judicial discretion in sentencing and the redundancy within the proposed legislation, especially concerning HRS 134-52 and 134-53 related to switchable and butterfly knives.

The Critical Role of Judicial Discretion

Judicial discretion is a fundamental pillar of our justice system, allowing judges to account for the nuances of each case. This flexibility is vital for ensuring that sentences are fair, proportional, and tailored to the individual circumstances of the offense and the offender. It enables a judge to weigh factors such as intent, previous history, and potential for rehabilitation, ensuring that the justice served aligns with the broader goals of public safety, deterrence, and reformation.

The proposal in House Bill 2342 to mandate specific outcomes for crimes involving bearable arms, without regard for their use or intent in the commission of the crime, starkly removes this discretion. This one-size-fits-all approach undermines the nuanced application of justice, potentially leading to disproportionately severe sentences for minor misdemeanors, and neglects the individuality of each case and the complexity of human behavior.

Redundancy in Legislation: The Case of HRS 134-52 and 134-53

Additionally, the bill overlooks an opportunity to streamline and rationalize our legal framework regarding bearable arms. Specifically, HRS 134-52 and 134-53, which address switchable and butterfly knives, respectively, are rendered redundant by the broader language of HRS 134-51, which already covers deadly or dangerous weapons. These knives, by their nature, fall under the category of deadly or dangerous weapons and thus are already encompassed by the existing statutes.

Maintaining separate statutes for switchable and butterfly knives not only creates unnecessary legal redundancy but also complicates the legal landscape, making it harder for citizens to

understand and comply with the law. Repealing HRS 134-52 and 134-53 would simplify the statutes, focusing on the broader and more inclusive category of deadly or dangerous weapons as defined in HRS 134-51. This simplification would enhance clarity without compromising public safety, streamlining the regulations around bearable arms and ensuring a more coherent legal framework.

The Importance of Flexibility and Simplification

The removal of judicial discretion combined with the missed opportunity to simplify weapon regulations through the repeal of HRS 134-52 and 134-53 represents significant steps backward in our justice system. The former undermines the nuanced application of justice, while the latter overlooks an opportunity to make our legal system more accessible and understandable for all citizens.

In conclusion, while the intent behind House Bill 2342 may be to enhance public safety, its approach in removing judicial discretion and its neglect to address redundancy in weapon regulations are missteps that could lead to unjust outcomes and a more complicated legal system. I urge lawmakers to reconsider these aspects of the bill, preserving the flexibility that is crucial for a fair justice system and rationalizing our statutes for greater clarity and efficacy.

Respectfully,

Andrew Namiki Roberts

LATE

HB-2342-HD-1

Submitted on: 3/15/2024 11:35:08 AM

Testimony for PSM on 3/15/2024 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
John D'Adamo III	Individual	Oppose	Written Testimony Only

Comments:

I Oppose HB2342 HD1 A new law is not needed.

HB-2342-HD-1

Submitted on: 3/15/2024 2:41:35 PM

Testimony for PSM on 3/15/2024 3:03:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Scott Kidd	Individual	Support	Written Testimony Only

Comments:

I support this measure to bring common sense gun laws to Hawaii!