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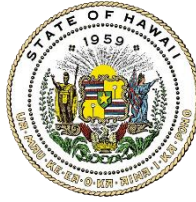
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March 16, 2026

SB 2517 SD1: RELATING TO PUBLIC SAFETY

Chair David A. Tarnas, Vice Chair Mahina Poepoe and Members of the House Committee on Judiciary and Hawaiian Affairs

The Office of the Public Defender (OPD) **respectfully opposes SB 2517, SD 1** which seeks to amend Hawai'i Revised Statutes (HRS), section 134-7 (Ownership, possession or control prohibited) subsections (j) and (f).

Currently, a violation of HRS 134-7 (j) and (f) is a misdemeanor. SB 2517, SD 1 seeks to change said violation to a class C felony. Therefore, if a respondent to a TRO or a gun violence protective order as defined under subsection (f), violates said subsection by being in possession, control of or transfers ownership of any firearm or ammunition during the duration of said court order they would be guilty of a class C felony offense regardless of whether possession or ownership of said firearm or ammunition is legal. This proposed change in the law is based upon the false premise that a tougher penalty would serve as a deterrent to a situation that is usually highly emotional and involves different types of relationships that are under stress. It should be noted that the granting of a TRO only requires that a request be made to a judge, and that a hearing with all involved parties is usually done after said order is issued.

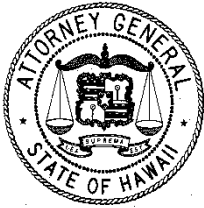
The OPD is concerned that an individual who legally possesses or owns a firearm, who then becomes the respondent in a TRO or protective order can be subject to a misdemeanor offense for violating said order, and at the same time now be subject to a class C felony for merely possessing their legally owned firearm, and not relinquishing it to the police in a timely manner. It should be

noted that the term “possess” is not defined within the statute and thus can also mean constructive possession (non-physical possession). The preamble to SB2517, SD 1 states that a person who becomes a respondent to a TRO or court issued protective order presents an increased risk of lethality, and thus must relinquish any firearm or ammunition regardless of legal ownership. The OPD feels that labeling all said individuals as having an increased lethality to justify increasing the penalty for a violation of HRS section 134-7 (j) does not correlate, but instead places a heavy burden on those that have sought to legally possess their firearms.

It should be noted that a conviction of 134-7 (f), and subjecting said person to the proposed felony penalties of an amended subsection (j) would then disqualify said individual from legally possessing a firearm even after the termination of the TRO. The OPD has concerns that this would also be true if the TRO is later found to be faulty or is stricken due to illegitimacy. When a defendant is charged with a violation of a TRO or protective order it is presumed that said order is legitimate. Thus, it is possible, that a respondent could be found guilty of a violation of a TRO or protective order regardless of the legitimacy of said order, and thus it is likely that the same could happen under a violation of HRS 134-7 (f) and (j).

Furthermore, with such strict penalties and constitutional rights at stake the OPD anticipates that any person so charged would seek to litigate said cases. This increase in litigation would place an increased burden on the judiciary, prosecutors, public defenders, court appointed counsel and Dept. of Public Safety resulting in added costs and use of resources which would require increased legislative allotments. The current statutory language which carries a misdemeanor penalty is an adequate means to protect the public. However, if the concern is that a respondent to a TRO has access to firearms, then the disarming of said respondent should be paramount. Thus, perhaps a better way of handling said perceived danger is to require that the police seek, and the court issue a search warrant, based upon probable cause, to take possession of said firearm(s) upon the issuance of the TRO. Thus, compliance with HRS 134-7(f) would become moot.

Thank you for the opportunity to comment on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 2517, S.D. 1, RELATING TO PUBLIC SAFETY.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Wednesday, March 18, 2026 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Mark S. Tom, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) strongly supports this bill.

This bill amends section 134-7, Hawaii Revised Statutes, to increase the penalty from a misdemeanor to a class C felony for the unlawful possession, control, or transfer of a firearm or ammunition in violation of a judicially issued protective order or restraining order.

This bill was submitted by unanimous agreement of the Hawaii Law Enforcement Coalition, whose membership includes the Attorney General, the Chief of Police and Prosecutor of each county, and the Director of Law Enforcement.

The Department respectfully requests the passage of this bill.

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

SHANNON M. KAGAWA
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF **SENATE BILL 2517, SENATE DRAFT 1**

A BILL FOR AN ACT
RELATING TO PUBLIC SAFETY

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

Wednesday, March 18, 2026 at 2:00 p.m.
Via Videoconference
State Capitol Conference Room 325
415 South Beretania Street

Honorable Chair Tarnas, Vice-Chair Poepoe and Members of the Committee on Judiciary & Hawaiian Affairs. The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in support of Senate Bill 2517, Senate Draft 1.

SB 2517, SD 1 was drafted with the intent to establish a class C felony penalty for the unlawful possession, control, or transfer of a firearm or ammunition in violation of a valid judicial protective order or restraining order.

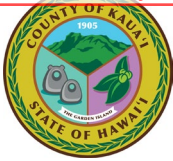
SB 2517, SD 1 seeks to strengthen public safety and enhance accountability for individuals who violate judicial protective orders or restraining orders by unlawfully possessing, controlling, or transferring firearms or ammunition. The proposed amendments to HRS 134-7 are essential in addressing a critical gap in the existing law regarding firearm possession under court-ordered protection. Currently, individuals subject to protective or restraining orders are prohibited from possessing firearms and or ammunition. The penalty for violating this prohibition is limited to a misdemeanor offense. This penalty fails to reflect the significant public safety risks posed by such violations, particularly in cases where there is a heightened potential for violence and lethality.

Violating a protective order, particularly in situations involving the unlawful possession of firearms, is a serious offense that poses a direct and increased threat to the safety of the protected individuals, their families, and the broader community. Protective orders are typically issued in circumstances of domestic violence, stalking, or harassment, where there is already an elevated risk of harm. Allowing a violation of such an order to be classified as a misdemeanor significantly undermines the intent of these legal protections and fails to adequately address the severity of the offense. This bill's proposed penalty of a Class C felony for unlawful firearm possession or transfer under these circumstances is a much-needed step toward ensuring that

those who violate these orders are held accountable in a manner that reflects the seriousness of the violation. This approach aligns with the state's broader goal of reducing violence and preventing harm to individuals caught in dangerous situations.

This bill is an important step in ensuring that our laws keep pace with the evolving understanding of the connection between firearms and domestic violence. States across the country are increasingly recognizing the need to impose stronger penalties for violations of protective orders that involve firearms. By taking this step, Hawai'i will join other jurisdictions in promoting public safety and ensuring that individuals who violate protective orders are subject to meaningful penalties that reflect the potential danger their actions pose to others.

SB 2517, SD 1 is a crucial piece of legislation that will better protect the citizens of Hawai'i by ensuring that individuals who violate court-ordered protective measures involving firearms face appropriate penalties. The bill's proposed changes will help safeguard individuals at heightened risk of harm and strengthen our criminal justice system's ability to deter and address violations of judicial orders. We humbly ask this committee to pass this bill and to support stronger safeguards for victims of domestic violence, stalking, and other forms of harassment. For the foregoing reasons, the County of Hawai'i, Office of the Prosecuting Attorney strongly supports the passage of Senate Bill 2517, Senate Draft 1. Thank you for the opportunity to testify on this matter.



POLICE DEPARTMENT COUNTY OF KAUA'I



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

RUDY TAI, CHIEF OF POLICE
MARK T. OZAKI, DEPUTY CHIEF OF POLICE

March 17, 2026

The Honorable Representative David A. Tarnas, Chair
And Honorable Members of the Committee on Judiciary and Hawaiian Affairs
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: Testimony in Support of SB 2517 SD1, Relating to Public Safety

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

On behalf of the Kaua'i Police Department, I am submitting testimony in **support of SB 2517 SD1**, which proposes to amend Hawai'i law to establish a Class C felony penalty for the unlawful possession, control, or transfer of a firearm or ammunition in violation of a valid judicial protective order or restraining order.

Under current law, such conduct is treated as a misdemeanor, despite the clear heightened risk of lethality when an active protective order or restraining order is in place. SB 2517 appropriately recognizes this increased risk and enhances statutory penalties to reflect the serious threat posed when firearms or ammunition are unlawfully possessed or transferred in violation of protective orders.

Protective orders and restraining orders are issued to safeguard individuals who are at increased risk of harm, including domestic violence survivors and others under court-ordered protection. Allowing firearm possession in violation of these orders undermines the intent of the protective measure and jeopardizes public safety. By elevating the penalty to a felony, this bill strengthens enforcement tools for law enforcement and aligns the statute with public safety objectives.

For these reasons, I respectfully ask the Committee to pass SB 2517 SD1. Thank you for the opportunity to testify.

Respectfully submitted,

Rudy Tai
Chief of Police
Kaua'i Police Department

SB-2517-SD-1

Submitted on: 3/16/2026 7:17:14 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

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

Comments:

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

The Hawaii Firearms Coalition respectfully submits testimony in **opposition** to SB2517 SD1.

Our organization supports policies that promote public safety, responsible firearm ownership, and accountability for those who commit violent or dangerous acts. We are **not opposed to strong penalties for individuals who misuse firearms or threaten others**. If a person under a restraining order uses a firearm to commit a crime or make a credible threat, we fully support severe criminal penalties.

However, SB2517 SD1 goes far beyond that standard and creates **serious due process and proportionality concerns**.

Concerns with SB2517 SD1

1. Felony Penalties for Non-Violent Conduct

This measure elevates simple possession of a firearm or ammunition—without any accompanying violent act—to a **Class C felony**. This represents a significant escalation in criminal liability for conduct that may involve no threat, harm, or intent to harm.

2. Reliance on Temporary and Often One-Sided Orders

Temporary restraining orders (TROs) and protective orders are frequently issued **out of an abundance of caution**, often based on one-sided allegations prior to a full evidentiary hearing. In some cases, these orders may be granted without clear evidence of violence or credible threats.

Despite this, the bill imposes **permanent, life-altering felony consequences** based on these temporary and preliminary determinations.

3. Lack of Proportionality

A felony conviction carries severe and lifelong consequences, including loss of civil rights, employment barriers, and reputational harm. Imposing such penalties for mere possession—without any demonstrated danger—**lacks proportionality** and risks undermining confidence in the justice system.

4. No Lawful Path to Compliance (Transfer Issue)

Because the bill includes “possession, control, or transfer,” individuals subject to an order may be **unable to lawfully transfer or sell their firearms or ammunition** to a qualified third party. This creates a situation where individuals are exposed to felony liability **even when attempting to comply responsibly with the law**.

Suggested Amendments

If the Legislature chooses to move forward with this measure, we respectfully recommend the following changes to address these concerns:

- **Limit felony penalties to cases involving dangerous conduct**

Restrict Class C felony charges to situations where a person:

- Uses or attempts to use a firearm to threaten or harm another person; or
- Possesses a firearm in conjunction with other criminal or violent conduct

- **Maintain misdemeanor treatment for simple possession**

Retain misdemeanor penalties for non-violent, technical violations of possession restrictions.

- **Provide a clear and lawful transfer process**

Explicitly allow individuals subject to restraining orders to:

- Transfer or sell firearms and ammunition to a licensed dealer or qualified individual
- Store firearms with a licensed third party without risk of prosecution

- **Strengthen due process protections**

Ensure felony liability is not imposed based solely on temporary or ex parte orders by:

- Requiring a full hearing and judicial finding of dangerousness before felony penalties apply
-

Conclusion

Public safety is best served by laws that are **targeted, proportional, and focused on dangerous behavior**. SB2517 SD1, as currently written, risks imposing severe felony penalties on individuals who have not committed violent acts and may be subject to temporary orders issued without full due process.

We respectfully urge the Committee to **defer this measure** or adopt the recommended amendments to ensure that Hawaii’s laws remain both effective and just.

Mahalo for the opportunity to testify.

Respectfully submitted,
Andrew Namiki Roberts
Hawaii Firearms Coalition, Inc.

SB-2517-SD-1

Submitted on: 3/17/2026 5:04:56 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mery Ann Luna	SDM Training Group/Bows N Bullets	Oppose	Written Testimony Only

Comments:

My name is Mery Ann, founder of SDM Training Group and Bows N Bullets. We provide safety education and responsible firearm training for women and families. We respectfully oppose SB 2517 SD1.

Concerns with Felony Expansion

This bill elevates violations of protective-order-related firearm restrictions to a Class C felony, even when the underlying order may be temporary, contested, or issued without a full hearing. Felony penalties applied before full due process can permanently impact individuals who have not been convicted of any crime.

Impact on Domestic Violence Survivors

In our work with women navigating domestic violence and custody disputes, we frequently see protective orders used in complex, high-conflict situations. Increasing penalties without safeguards risks misuse and may discourage survivors from seeking help, reporting threats, or engaging in safety training.

Lack of Prevention or Compliance Support

The measure focuses solely on punishment. It does not provide education, voluntary compliance pathways, or community-based safety resources—tools that are proven to reduce violence and improve public safety.

Request

We urge the Legislature to consider balanced approaches that strengthen due process, support survivors, and invest in education-based safety programs rather than expanding felony exposure.

SB-2517-SD-1

Submitted on: 3/17/2026 8:30:41 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Clay Kimberling	Individual	Oppose	Written Testimony Only

Comments:

Senate Bill 2517 would negatively affect Hawaii's already unconstitutional red flag laws, raising serious due process concerns by imposing automatic felony penalties without full evidentiary hearings for Gun Violence Protection Orders.

GVPOs are issued through a civil judicial process, not a criminal prosecution. While civil protective mechanisms may serve a policy objective, they are not accompanied by the full range of procedural safeguards that attach in criminal proceedings, where the potential deprivation of liberty demands the highest constitutional protections.

For these reasons, we respectfully urge the Committee to reject Senate Bill 2517.



IN OPPOSITION TO SB2517/HB2075

The Libertarian Party of Hawaii is in strong opposition to SB2517/HB2075, which would establish a class C felony penalty for the unlawful possession, control, or transfer of a firearm or ammunition in violation of a valid judicial protective order or restraining order.

This bill represents yet another incremental but significant infringement on the fundamental right to keep and bear arms as protected under both the U.S. Constitution (Second Amendment) and the Hawaii State Constitution (Article I, Section 17). This measure would be elevating what is currently a misdemeanor-level violation to a class C felony, carrying up to 5 years imprisonment and permanent loss of firearm rights. This creates disproportionate punishment and risks sweeping in non-violent, technical, or contested violations.

Our key concerns include:

Due Process and Presumption of Innocence

Protective orders and restraining orders in Hawaii can be issued ex parte (without the accused present) based on allegations alone, often with a low evidentiary threshold. A person may face felony charges and lifelong disarmament for possessing a lawfully owned firearm even before a full hearing determines the validity of the underlying claims. Turning a civil protection mechanism into a de facto criminal disarmament tool bypasses due process. Constitutional rights should not be stripped based on unproven allegations. Felony-level penalties should require criminal conviction after full trial, not mere violation of a civil order.

Overbreadth and Potential for Abuse

Protective orders can arise in contentious family, divorce, or neighbor disputes where accusations are frequently exaggerated or used strategically. Making firearm possession a felony in these scenarios creates powerful incentives for misuse of the system. This would disarm law-abiding individuals without proving violent or criminal intent. Layering felony consequences on top of Hawaii's existing outlandish prohibitions risks turning minor and disputed infractions into life-altering punishments.

Ineffectiveness at Enhancing Safety

Criminals do not comply with protective orders or firearm laws. That is what defines them as criminals. This bill primarily disarms law-abiding gun owners while dangerous individuals ignore restrictions entirely. True public safety comes from enforcing laws against violence, not preemptive punishment.



Second Amendment Infringement

Recent U.S. Supreme Court decisions affirm that firearm regulations must be consistent with historical tradition and respect individual rights. Converting protective-order violations into automatic felonies without criminal conviction strays far from constitutional bounds and erases the right to self-defense.

The Libertarian Party of Hawaii supports measures that genuinely protect victims through due process and accountability for violent acts only. We do not support bills that expand felony-level disarmament on the innocent.

We urge the committee to defer or **defeat SB2517/HB2075**.

For Freedom,

Abbra Green | LPHI Secretary | LibertarianHawaii.com | (808)824-LPHI

March 18, 2026

House Committee on Judiciary and Hawaiian Affairs
Support for SB2517, SD1 – Relating to Public Safety



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

The **State of Hawai'i Organization of Police Officers (SHOPO)** supports **SB 2517, SD1**, which, among other things, increases the penalty for the unlawful possession, control, or transfer of a firearm or ammunition in violation of a judicially issued protective order or restraining order from a misdemeanor to a class C felony. This measure was introduced by the Hawai'i Law Enforcement Coalition, and SHOPO joins our law enforcement partners in supporting this important change to strengthen existing firearm safety laws.

Protective orders and restraining orders are issued by the courts to prevent violence and protect individuals who have been identified as being at heightened risk of harm. When a person knowingly possesses or transfers a firearm in violation of such an order, the danger to victims, responding officers, and the community increases significantly. Elevating this offense to a felony appropriately reflects the seriousness of the violation and provides law enforcement with stronger tools to deter dangerous conduct, hold offenders accountable, and ensure the intent of court-ordered protections is fully enforced.

The more than 2,700 law enforcement officers who are members of SHOPO risk their lives every day to keep our islands safe. SHOPO is dedicated to protecting public safety. We strive to work in partnership with community members because, together, we can build stronger and safer neighborhoods. Thank you for the opportunity to provide testimony on this measure.

Respectfully submitted,

State of Hawai'i Organization of Police Officers (SHOPO)

SB-2517-SD-1

Submitted on: 3/16/2026 2:20:59 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

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

Comments:

I stand OPPOSED this bill as it is simply not needed. TROs can be placed upon someone for any reason whatsoever and does not need violence behind it. If I get into a heated verbal argument with a neighbor, and my neighbor places a TRO against me and now I'm an automatic felon because I own firearms and ammo.

I can't put those guns or ammo into storage or hand them off to a trusted party until the TRO can be resolved. So if I try to sell my guns, which I can no longer use, that'd make me a felon.

SB-2517-SD-1

Submitted on: 3/16/2026 2:55:53 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

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

Comments:

This law isn't needed because anyone with a firearm charge is automatically banned from owning a gun for 20 yrs in HI.

SB-2517-SD-1

Submitted on: 3/16/2026 4:36:23 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elijah Kim	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB2517 SD1.

SB2517 SD1 would make it a felony to transfer ammunition or arms while under a temporary restraining order (TRO). Meaning, if you want to be sell your gun or have a third party hold onto it while you resolve the TRO, or do anything other than hand it over to the government law enforcement police it would be a felony. This is tyrannical government overreach.

Why can't the individual sell or have a third party hold the ammunition or arm(s) until the TRO is resolved?

Wouldn't this mean anyone can submit a TRO on anyone and have their 2nd amendment right taken away?

There are too many loopholes for this to end up where the government can approve TROs on all ammunition and arms for the entirety of the state.

Stop with the gun control and stop trying to criminalize the citizens. You are wasting valuable time, money, and energy with unconstitutional laws much like the current unconstitutional gun registration and current vampire law that is with the Supreme Court.

SB-2517-SD-1

Submitted on: 3/16/2026 9:34:17 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael A. Cobb Jr	Individual	Oppose	Written Testimony Only

Comments:

I oppose this measure to increase penalties for transferring firearms when under a restraining order. This will not make people safer and could lead to people going to jail for an indeterminate or undefined time. Just leave this alone and focus on housing.

SB-2517-SD-1

Submitted on: 3/16/2026 9:47:56 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William Caron	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of the committee,

I am writing in **strong support** of SB2517, a bill that establishes a class C felony penalty for the unlawful possession, control, or transfer of a firearm or ammunition in violation of a valid judicial protective order or restraining order. This measure closes a critical gap in Hawai‘i's domestic violence laws and provides law enforcement with the tools necessary to hold accountable those who disregard court orders designed to protect victims from lethal harm.

Current Law Lacks Sufficient Deterrence for Violations Involving Firearms

Under existing Hawai‘i law, when a protective order is issued that prohibits an abuser from contacting, threatening, or physically abusing a protected person, the order must clearly state that the abuser cannot possess firearms or ammunition while the order is in effect. Law enforcement officers serving such orders may take custody of any firearms in plain sight, discovered through consensual search, or voluntarily surrendered. If officers cannot locate firearms known to be registered to the abuser, they must obtain a search warrant.

However, if an abuser knows the location of a registered firearm and refuses to surrender it or disclose its location, the current penalty is **only a misdemeanor**. This penalty structure fails to reflect the deadly seriousness of firearm possession by individuals already determined by a court to pose a threat to another person's safety. A misdemeanor penalty does not adequately deter conduct that so often escalates to lethal violence.

Firearms Dramatically Increase the Lethality of Domestic Violence

The connection between firearms and domestic violence fatalities is well-documented. In Hawai‘i, firearms were used in nearly one-third of all domestic violence cases that resulted in a homicide from 2000 to 2009. Nationally, research consistently demonstrates that the presence of a firearm in a domestic violence situation increases the risk of homicide for the victim by approximately 500%.

When a court issues a protective order, it has already determined that the respondent poses a threat requiring legal intervention. Allowing that individual to retain access to firearms—or to face only a misdemeanor penalty for refusing to surrender them—places victims in grave and

ongoing danger. SB2517 recognizes that the unlawful possession of a firearm in violation of a protective order is not a minor infraction but a serious felony offense.

The Felony Penalty Provides Law Enforcement with a Critical Tool

SB2517 elevates this offense to a class C felony, providing prosecutors and law enforcement with meaningful leverage to ensure compliance with court orders. The current misdemeanor penalty does not reflect the severity of the conduct and does not adequately deter abusers who may already be inclined to disregard judicial authority.

The bill has already received bipartisan support in committee. This demonstrates a recognition across party lines that strengthening penalties for firearm violations under protective orders is a commonsense public safety measure.

Addressing Due Process Concerns

Opponents of this measure have raised concerns about due process and have characterized it as an expansion of "unconstitutional red flag laws." These concerns are unfounded. SB2517 does not create a new mechanism for removing firearms or issuing orders. It simply enhances the penalty for violating an existing court order that has already been issued following established judicial proceedings. The protective order itself has been subject to notice and hearing requirements; the felony penalty attaches only when an individual knowingly violates that order by possessing a firearm.

Protecting Victims and Sending a Clear Message

Ultimately, SB2517 sends a clear message: when a court determines that an individual poses a threat sufficient to warrant a protective order, and when that order explicitly prohibits firearm possession, violation of that prohibition will be treated with the seriousness it deserves. For victims of domestic violence, the difference between a misdemeanor and a felony may be the difference between life and death.

I urge this Committee to pass SB2517 and ensure that Hawai'i's laws provide meaningful protection for those at greatest risk.

Thank you for the opportunity to testify.

SB-2517-SD-1

Submitted on: 3/17/2026 3:50:37 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Cabjuan	Individual	Oppose	Remotely Via Zoom

Comments:

Please oppose this bill. HPD was proven after court and Internal investigation that my misdemeanor charge was unlawful. I had my CCW license at the time and would definitely have been affected negatively if this Bill was in place. I would be charged as a felon!! The misdemeanor charge or TRO can be abused and should not be stacked up as a felony just because I am a LEGAL firearm owner.

I am NOT against punishing serious criminals.

If someone under a TRO uses a firearm to threaten someone, then absolutely — throw the book at them.

But simply possessing a firearm in violation of a temporary court order should NOT destroy someone's life with a felony conviction.

✗ What this bill really does:

- Turns possession into a felony — even without any threat, violence, or harmful action
- Destroys lives over a temporary order — TROs are often short-term and issued early in a case
- Granted with minimal evidence — TROs can be issued out of an “abundance of caution,” sometimes based on one-sided claims, exaggerations, or outright false statements
- No requirement of violent conduct — a person can be subject to a TRO without any actual threat or violence
- No lawful way to comply — the bill blocks the ability to sell or transfer legally owned firearms or ammunition to someone who can legally possess them

This means someone can lose their rights, face a felony charge, and have their life permanently altered — all without ever committing a violent act.

That's not public safety. That's overreach.

- ➔ Punish real threats and violence — not mere possession
- ➔ Protect due process
- ➔ Stop turning temporary orders into permanent consequences

SB-2517-SD-1

Submitted on: 3/17/2026 5:37:25 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

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

Comments:

I strongly oppose this bill. It can be misconstrued in many ways. It violates due process. Vote no in this terrible bill.

SB-2517-SD-1

Submitted on: 3/17/2026 8:16:08 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

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

Comments:

I am opposed to SB2517, I am a retired Sgt. with the Hawaii State Sheriff's Office, and I have assisted the process of obtaining a Temporary Restraining Order (TRO), I have served TRO's and have sat in TRO hearing. Simply put a TRO is only one side of the story and often Judges will approve them, even ones that of face value appear to be questionable, simply because what if it's not.

Upon service the Defendant must surrender all firearms and ammunition to the County Police. This alone is a violation of my 5th Amendment rights as stated "tonor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Prior to the TRO hearing, the Defendant has not received due process and yet the Defendant has been deprived of their person property. They are unable to transfer or sell their firearms and ammunition while under a TRO or Order of Protection.

A felon in possession of a firearm is already a felony, possession of a "ghost gun" is already a felony.

The penalty under the current law is a misdminor and is subject to a year in prison, which is longer than the length of the majority of Order for Protection and the Judge can sentence the defendant to a year in prison if the situation warrants it.

I oppose SB2517 as written and ask you vote no.

SB-2517-SD-1

Submitted on: 3/17/2026 9:49:16 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
TERI SAVAIINAEA	Individual	Oppose	Written Testimony Only

Comments:

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

I *oppose* this measure.

I support holding people accountable when there is an actual threat or violence. If a firearm is used to harm or intimidate, prosecute to the fullest extent.

This bill goes too far.

It makes simple possession a felony, even when no threat or violence has occurred. Temporary restraining orders are often issued early, sometimes based on one-sided claims, without a full hearing — yet this creates permanent consequences.

That raises serious due process concerns.

Someone could face a felony, lose their rights, and have their future impacted without ever committing a violent act. That is not balanced public safety.

It also removes any reasonable way to comply by limiting lawful transfer or sale.

We should focus on real threats — not expand felony penalties for mere possession tied to temporary orders.

I respectfully urge you to vote NO.

Teri Kia Savaiinaea

Wai‘anae resident

SB-2517-SD-1

Submitted on: 3/17/2026 11:00:28 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

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

Comments:

We strongly oppose SB 2517. This is very poor legislation that includes " Red Flag " laws, which are completely unconstitutional.

SB-2517-SD-1

Submitted on: 3/17/2026 11:13:35 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brian Isaacson	Individual	Oppose	Written Testimony Only

Comments:

Red Flag laws are constitutionally suspect due to the lack of due process and this bill allows for automatic penalties without due process, and is hence unconstitutional.

SB-2517-SD-1

Submitted on: 3/17/2026 11:51:04 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brandon Kang	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to the expansion of unconstitutional red flag laws, which infringe on both the right to bear arms and constitutional due process requirements as the state seeks to infringe on the right to life, via suppressing the right to defend oneself.

SB-2517-SD-1

Submitted on: 3/17/2026 11:52:17 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

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

Comments:

I oppose this bill. Again red flag laws raise serious due process concerns this also imposes an automatic felony penalties without a full evidentiary hearing. Enforce the laws that we already have in place.

SB-2517-SD-1

Submitted on: 3/17/2026 12:25:10 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brandon Allen Kainoa Leong	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB2517

SB-2517-SD-1

Submitted on: 3/17/2026 12:56:44 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patrick Baltazar	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB2517.

SB-2517-SD-1

Submitted on: 3/17/2026 1:26:25 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

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

Comments:

OPPOSE: this bill encourages even more flagrant abuse of due process and violation of Bill of Rights. Goes direct to Felony, without even a courtesy hearing. Blatant abuse of law-abiding citizens by fear-mongering. So much for "Spirit of Aloha".

SB-2517-SD-1

Submitted on: 3/17/2026 2:09:03 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dr Marion Ceruti	Individual	Oppose	Written Testimony Only

Comments:

Vote NO on SB2517. Stop passing gun laws. We have too many of them already in Hawai'i. The so-called "red-flag" law is unconstitutional because it provides no due process for the accused. Don't keep trying to find ways to get gun owners in trouble, all of whom passed background checks and the vast majority of whom keep and bear arms responsibly.

What would stop a person who does not like you from making up a lie and applying for a "Gun Violence Protection Orders" against you? SB2517 would violate both the state and federal constitutions by imposing automatic felony penalties without full evidentiary hearings. Gun owners should not have to suffer these life-changing events without being able to defend themselves in court. The ex parte proceeding of such a hearing does not provide enough protections.

Vote NO on SB2517.

SB-2517-SD-1

Submitted on: 3/17/2026 3:11:25 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brett Kulbis	Individual	Oppose	Written Testimony Only

Comments:

Chair Tarnas and Committee Members,

My name is Brett Kulbis, I'm a 26yr retired Navy Veteran, who took a solemn oath to defend the Constitution from all enemies foreign and domestic, and that oath didn't expire when I retired. I live in Ewa Beach.

I STRONGLY OPPOSE BILL SB-2517 SD1.

As veteran who has trained with and carried firearms as part of my duty to this country. I care deeply about protecting victims of domestic violence and I fully support strong enforcement of valid court orders. At the same time, I am deeply concerned that SB-2517 SD1 would turn a civil protective order, often issued on a lower standard of proof and sometimes without the person even present, into a trigger for a felony gun crime and potential lifetime loss of a core constitutional right for those of us who have spent our lives handling firearms responsibly.

From my perspective, this bill sends a troubling message: that the same government that trusted me with weapons in war can permanently brand me as a felon based on a civil proceeding that may involve thin or disputed allegations. Protective orders are important tools, but they are not criminal convictions. Elevating any violation of the related gun ban to a class C felony, without adding stronger due-process safeguards or requiring a clear, individualized finding of dangerousness, risks sweeping up veterans and other law-abiding citizens who have never been convicted of a violent crime. Many of us rely on lawful firearm ownership for protection, sport, and community; taking that away for life based on civil orders undermines both due process and respect for the rights of those who have already proven their willingness to defend this country.

For these reasons, I ask you to defer indefinitely SB-2517 SD1 or amend it significantly so that you protect victims and the public without sacrificing due process or treating Second Amendment rights as disposable.

Mahalo,

Brett Kulbis
U.S. Navy Retired

SB-2517-SD-1

Submitted on: 3/17/2026 3:49:15 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lyndel C Cabatu	Individual	Oppose	Written Testimony Only

Comments:

As a person who respects and obeys the laws, I strongly oppose this bill. It dose nothing to criminals and hurt the law abiding citizen.

SB-2517-SD-1

Submitted on: 3/17/2026 4:13:35 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lyle HIromoto	Individual	Oppose	Written Testimony Only

Comments:

To whom it may concern,

It bypasses due process.

thank you,

Lyle

SB-2517-SD-1

Submitted on: 3/17/2026 4:20:20 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Henry Bruckner	Individual	Oppose	Written Testimony Only

Comments:

SB2517 deprives persons of due process and should be rejected.

SB-2517-SD-1

Submitted on: 3/17/2026 4:23:57 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Terry Donaghy	Individual	Oppose	Written Testimony Only

Comments:

As a concerned citizen, I believe this would negatively affect Hawaii's already unconstitutional red flag laws, raising serious due process concerns by imposing automatic felony penalties without full evidentiary hearings for "Gun Violence Protection Orders."

SB-2517-SD-1

Submitted on: 3/17/2026 4:35:24 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
George Carvalho	Individual	Oppose	Written Testimony Only

Comments:

Oppose

SB-2517-SD-1

Submitted on: 3/17/2026 5:21:31 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeffrey White	Individual	Oppose	Written Testimony Only

Comments:

I Jeffrey White oppose SB2517.

SB-2517-SD-1

Submitted on: 3/17/2026 5:25:35 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Norman Akau Jr	Individual	Oppose	Written Testimony Only

Comments:

I totally oppose SB2517 because this is just another ridiculous bill by the current establishment.
MAGA !

SB-2517-SD-1

Submitted on: 3/17/2026 6:32:15 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brian Schoonover	Individual	Oppose	Written Testimony Only

Comments:

[Senate Bill 2517](#) would negatively affect Hawaii's already unconstitutional red flag laws, raising serious due process concerns by imposing automatic felony penalties without full evidentiary hearings for "Gun Violence Protection Orders."

SB-2517-SD-1

Submitted on: 3/17/2026 7:09:21 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Pearson Ahuna	Individual	Oppose	Written Testimony Only

Comments:

I oppose

SB-2517-SD-1

Submitted on: 3/17/2026 7:41:53 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

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

Comments:

I oppose SB2517 because if I read it correctly, it states that if there is a restraining order or protective order and that person is in possession of a firearm or ammunition, they are now going to be charged with a class C Felony? What happened to due process? I don't believe that someone's 2nd Amendment rights should be taken away without due process and the ability to defend themselves in a court of law.

SB-2517-SD-1

Submitted on: 3/17/2026 7:42:52 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

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

Comments:

I oppose this Bill, because, you should not be given a Felony with no hearing.

TESTIMONY IN SUPPORT OF S.B. NO. 2517, S.D. 1

RELATING TO PUBLIC SAFETY

**TO: Chair David A. Tarnas, Vice Chair Mahina Poepoe
House Committee on Judiciary and Hawaiian Affairs**

FROM: Dennis M. Dunn

**(dennismdunn47@gmail.com)
Kailua, Hawai'i**

**HEARING: Wednesday, March 18, 2026, 2:00 p.m.
Conference Room 325**

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee, I respectfully submit this testimony in strong support of S.B. No. 2517, S.D. 1, which enhances public safety by strengthening penalties for unlawful firearms and ammunition possession in violation of a judicial protective order or restraining order.

My comments are informed by nearly 50 years of experience advocating for crime victims, including 44 years with the Honolulu Prosecuting Attorney's Office, where I served as Director of Victim Witness Kokua Services from 1985 to 2022. During that time I assisted many domestic violence survivors in obtaining Domestic Violence Protective Orders only to be confronted later by threats and violence involving firearms. Two of these women later died when the respondent brutally gunned them down. Surely there must be a more effective criminal justice response when an individual covered by a Protective Order is discovered to be in possession of a firearm.

The Legislature in Section 1 of the Bill correctly recognizes that, under existing law, a person who is prohibited by a lawful protective or restraining order from possessing, controlling, or transferring a firearm or ammunition is subject only to a misdemeanor penalty if they violate that prohibition. This penalty structure does not adequately reflect the seriousness of such conduct.

Importantly, the bill acknowledges that an active order for protection or restraining order is an indicator of increased lethality risk for the protected party and others. When a court has already determined that restrictions on firearm or ammunition possession are

necessary for safety, any violation of that order represents a significant and dangerous escalation.

S.B. 2517 appropriately responds to this risk by establishing a class C felony penalty for the unlawful possession, control, or transfer of firearms or ammunition when done in violation of a judicial protective order or restraining order. This change ensures that the law treats these violations with the seriousness they warrant and reinforces the authority of court orders designed to prevent harm.

The bill accomplishes this goal by amending subsection (j) of section 134-7, Hawaii Revised Statutes, to include violations of subsection (f) among those subject to felony penalties. This statutory clarification closes a critical gap in enforcement and aligns penalties with the Legislature's stated public safety objectives. This type of increased penalties is virtually identical to enhancements already enacted by the Legislature in H.R.S. 707-711 (1) (h) which raises to felony status any misdemeanor assault committed in violation while being restrained by a Court Order:

§707-711 Assault in the second degree. (1) A person commits the offense of assault in the second degree if the person:

(h) Intentionally or knowingly causes bodily injury to a person who:

(i) The defendant has been restrained from, by order of any court, including an ex parte order, contacting, threatening, or physically abusing pursuant to chapter 586.

By strengthening accountability for individuals who disregard protective and restraining orders involving firearms or ammunition, S.B. 2517 sends a clear message that such conduct will not be tolerated and that the safety of protected parties is paramount.

For these reasons, I respectfully urge the Committee to pass S.B. No. 2517, S.D. 1.

Thank you for your time and consideration.

SB-2517-SD-1

Submitted on: 3/17/2026 8:19:30 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jonathan Acosta	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. The concept of "Red Flag" orders are based on hearsay by others. My concern is government overreach and punishing people without due process such as evidentiary hearings.

Our criminal justice system heavily favors criminals and is too lenient. I seen this first hand after working 25 years in law enforcement. Repeat offenders get little or no jail time. Government should focus instead on putting repeat offenders in jail as they are the ones who commit most of the violent crime.

SB-2517-SD-1

Submitted on: 3/17/2026 8:46:15 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Normand A Cote	Individual	Oppose	Written Testimony Only

Comments:

Aloha JHA Committee,

I strongly Oppose SB 2517. The bill is vaguely worded in its scope. In addition, this bill extends an already unconstitutional red flag laws and serious threatens our rights for due process. Please this bill.

We have a Constitution!

Respectfully,

Normand A Cote

Law Abiding Citizen

SB-2517-SD-1

Submitted on: 3/17/2026 9:07:57 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

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

Comments:

I oppose SB2517. It is unconstitutional.

SB-2517-SD-1

Submitted on: 3/17/2026 10:50:08 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mitchell H. Weber	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE SB2517,

This bill would make it a felony to possess something before you have committed a crime? The bill references a "valid protection order" does that include red flag laws? Remember that a red flag order can be triggered without burden of proof. That means that if 2517 passes, a person (only thought to be a danger) can be charged with felonies for possessing legal items. You would make that individual ineligible to possess without a trial. This is a fast slide to authoritarianism. While I oppose red flag laws to begin with, the way the legislature sold it was as a temporary way of protecting people. Now you seem to be shaping it as a tool to justify and enforce confiscating and imprisonment without trial. Please vote NO on SB2517

Mitchell Weber.

SB-2517-SD-1

Submitted on: 3/18/2026 12:49:31 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daniel Lukacinsky	Individual	Oppose	Written Testimony Only

Comments:

Dear State of Hawai'i Senate Committee members,

The provisions put forth by this latest bill, SB2517 SD1, much the same as the extremist SB2575 SD1 are, once again, an exercise in State government overreach by proposing to elevate possession, control, or transfer of a firearm or ammunition while subject to a red flag order (GVPO) from a MISDEMEANOR to, this time, a CLASS C FELONY. Again, as before, the problem is this carries a high risk of abuse of power by attempting to side step American citizens residing in the State of Hawai'i's right to DUE PROCESS under the 5th and 14th Amendments of the CONSTITUTION. Hawai'i is a full fledged State of the United States of America and as such must fully abide by the CONSTITUTION OF THE UNITED STATES OF AMERICA and ALL of it's Amendments in ALL CASES. Furthermore, and once again, the penalties associated with existing red flag orders (GVPO's) in the the State of Hawai'i are already MORE THAN SUFFICIENT and questionably 2nd Amendment Civil Rights violating as it stands. Again, pushing these boundaries even further will no doubt draw yet more attention and scrutiny from the Department of Justice's Civil Rights Division in particular Assistant Attorney General Harmeet Dhillon's Second Amendment Section. Surely, we would assume, the Hawai'i State Legislature as a whole does not want to be associated IN ANY WAY with passing through potentially Civil Rights violating legislation. This bill SB2517 SD1 is poorly written and particularly alarming is the open ended nature of Page 2, Section 2 which reads in lines 7 and 8 that "the defendant shall be sentenced to an indeterminate term of imprisonment as provided by law." This absolutely needs to be clarified with specifics before this bill can even be considered as a serious piece of legislation.

Once again in the case that it is unknown to any in attendance it must be reminded that under **TITLE 18, U.S.C., SECTION 242, DEPRIVATION OF RIGHTS UNDER COLOR OF LAW**, which can be confirmed at the official United States Department of Justice website, it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties.

My sincerest thanks for taking the time to read and recognize this testimony before the Committee as well as respecting my Constitutional 1st Amendment right to the freedom of speech and the press. I do greatly appreciate it and trust that you will make the correct decision to forgo advancing SB2517 SD1 in it's present form.

SB-2517-SD-1

Submitted on: 3/18/2026 2:25:14 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Blaine De Ramos	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB2517

I oppose this bill due to the disingenuous and misleading statements, that when fact checked it is obvious a “made-up” narrative has been conjured up by these so called “lawmakers” that shows their intent is to take away the rights away from Americans and completely ignores the United States Constitution completely. In my opinion to bypass the rule of law and turn Hawaii into a dictatorship. When fact checking the truth reveals a completely different story. “The legislature findings that gun violence is on the rise **AND AMONG THE LEADING CAUSES OF PEMEATURE AND PREVENTABLE DEATH IN THE UNITED STATES**”, This is very simple go to the CDC website and search leading causes of death in our country you will the most recent research posted on almost every death in the US the who, what and how with fact based data collection that when reading the document is straight facts not political banter and outright lies.

What you will find is facts that will surprise you and most likely upset you, because you will find that our legislature has been and continue to lie to both the American public and the community in which they “supposed to” represent. It is obvious that our leadership has nefarious goals and intentions and is no longer representing the people.

I would ask yourself what side of history you will be on, facts are the only way to address any topic, and when our leadership lies and manipulate to the public, this has nothing to do with public safety. Honestly with recent events with all the outright corruption, bribery, employee abuse, and the list goes on. I think that the red-flags should be put on every politician that would obviously try to sweep things under the carpet and should be held to the highest of penalties that the law provides especially because they are in a position to represent the communities best interest, and need I remind them they took an oath to the constitution of the United States of America first and foremost, NOT TO THE PARTY THEY ARE A MEMBER OF, not the unions, non for profits, special interest groups so on and so-forth. That we the people should hold all of Hawaii’s leadership accountable.

Do not let this egregious dirty way of doing business to position themselves to chip away at your rights. The red flag law by passes the rule of law, due process and your given rights of an American. I again absolutely oppose this illegal bill.

SB-2517-SD-1

Submitted on: 3/18/2026 5:20:32 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

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

Comments:

This legislation would negatively affect Hawaii's already unconstitutional red flag laws, raising serious due process concerns by imposing automatic felony penalties without full evidentiary hearings for "Gun Violence Protection Orders."

I oppose this.

SB-2517-SD-1

Submitted on: 3/18/2026 6:49:48 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

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

Comments:

I submit this testimony in opposition to SB2517 SD1.

SB2517 proposes to elevate violations of certain judicial protective orders—including those related to firearm possession—into a Class C felony offense. While public safety is a critical objective, this measure raises serious constitutional and due process concerns, particularly when considered in conjunction with Hawaii’s existing Gun Violence Protective Order (GVPO) framework. Under current law, GVPOs—commonly referred to as “red flag laws”—are civil orders that may be issued on an emergency (ex parte) basis without the respondent present and prior to a full evidentiary hearing.

SB2517 would effectively attach automatic felony criminal liability to violations of such orders. This creates a troubling scenario in which an individual may be subject to severe criminal penalties based on an order issued without the benefit of full adversarial due process protections, including cross-examination, evidentiary standards, and representation.

In effect, this bill risks converting a civil, preventive mechanism into a gateway for serious criminal liability—without ensuring that the underlying process meets the heightened procedural safeguards typically required before imposing felony penalties.

Key concerns include:

- **Lack of Full Evidentiary Hearing Prior to Penalty Exposure.** GVPOs may be issued ex parte, meaning the respondent has not yet had an opportunity to contest the allegations. Attaching felony consequences to violations of such orders raises fundamental fairness concerns.
- **Disproportionate Penalties.** SB2517 elevates conduct that is currently a misdemeanor into a Class C felony. This is a significant escalation that may not account for unintentional or technical violations, particularly given the complexity and immediacy of GVPO compliance requirements.
- **Risk of Erroneous Deprivation of Rights.** Firearm possession is a constitutionally protected right. Imposing felony penalties based on preliminary judicial findings—made without full evidentiary scrutiny—raises substantial constitutional questions.
- **Chilling Effect and Public Confidence.** Expanding criminal penalties in this manner may undermine public confidence in the fairness of the legal system.

While protecting individuals from harm is a compelling state interest, it must be balanced with robust procedural safeguards. The State should ensure that any criminal penalties are imposed only after a full evidentiary hearing and a clear finding of wrongdoing under appropriate legal standards.

For these reasons, I respectfully urge the Committee to reject SB2517 SD1 or, at a minimum, amend it to ensure that felony penalties apply only after a full hearing with due process protections.

Thank you for the opportunity to testify.

SB-2517-SD-1

Submitted on: 3/18/2026 6:59:06 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Oppose	Written Testimony Only

Comments:

[Senate Bill 2517](#) would negatively affect Hawaii's already unconstitutional red flag laws, raising serious due process concerns by imposing automatic felony penalties without full evidentiary hearings for "Gun Violence Protection Orders."

SB-2517-SD-1

Submitted on: 3/18/2026 10:16:47 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Viktoriya Shishikin	Individual	Oppose	Written Testimony Only

Comments:

How is this constitutional??. We are the people we by rights and laws, acquire a firearm and go through the whole due process and you are attempting to control this even further. I strongly oppose this and I stand by my second amendment rights.