

JON N. IKENAGA
PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

APPELLATE DIVISION
TEL. NO. (808) 586-2080

DISTRICT COURT DIVISION
TEL. NO. (808) 586-2100

FAMILY COURT DIVISION
TEL. NO. (808) 586-2300

FELONY DIVISION
TEL. NO. (808) 586-2200

FACSIMILE
(808) 586-2222



HAYLEY Y. C. CHENG
ASSISTANT PUBLIC DEFENDER

HILO OFFICE
275 PONAHAWAI STREET
SUITE 201
HILO, HAWAII 96720
TEL. NO. (808) 974-4571
FAX NO. (808) 974-4574

KONA OFFICE
75-1000 HENRY STREET
SUITE #209
KAILUA-KONA HI 96740
TEL. NO. (808) 327-4650
FAX NO. (808) 327-4651

KAUA'I OFFICE
3060 EIWA STREET
SUITE 206
LIHUE, HAWAII 96766
TEL. NO. (808) 241-7128
FAX NO. (808) 274-3422

MAUI OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. NO. (808) 984-5018
FAX NO. (808) 984-5022

STATE OF HAWAII

OFFICE OF THE PUBLIC DEFENDER

January 31, 2026

SB2517: RELATING TO PUBLIC SAFETY

Chair Carol Fukunaga, Vice Chair Chris Lee and Members of the Committee on Public Safety and Military Affairs

The Office of the Public Defender (OPD) **respectfully opposes SB2517** which seeks to amend Hawai'i Revised Statutes (HRS), section 134-7 (Ownership, possession or control prohibited) subsection (j) to make it a Class C felony offense (from the current misdemeanor offense) if a respondent to a TRO or a gun violence protective order as defined under subsection (f), violates subsection (f) by also being in possession, control of or transfers ownership of any firearm or ammunition during the duration of said court order. This does include respondents who prior to the issuance of said court order were in legal possession or ownership of any firearm or ammunition.

The OPD is concerned that an individual who legally possesses or owns a firearm, who then becomes the respondent in a TRO or court protective order can be subject to a misdemeanor offense for violating said order, or never be in violation of said order, and at the same time now be subject to a class C felony for merely possessing their 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 (not physical possession). The preamble to SB2517 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 even if the TRO is later found to be faulty or stricken due to illegitimacy, as in cases related to the actual violation of a TRO, the illegitimacy of the TRO is not a defense. Furthermore, with such strict penalties and constitutional rights at stake the OPD anticipates that any person charged with these proposed violations of law would seek to litigate said cases. This increase in litigation would place an increased burden on the judicial system including on the prosecutors, public defenders, court appointed counsel and Dept. of Public Safety personnel resulting in added costs and use of resources which would require increased legislative allotments. The current statutory language which carries a misdemeanor penalty for a violation of a TRO as well as a violation for possessing, controlling or transferring a legally owned firearm while being a respondent to a TRO is an adequate means to protect the public. If the concern is that a respondent to a TRO is also a gun owner or possessor of firearms then the disarming of said person 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, RELATING TO PUBLIC SAFETY.**

**BEFORE THE:
SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS**

DATE: Monday, February 2, 2026 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 016

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

Chair Fukunaga 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.

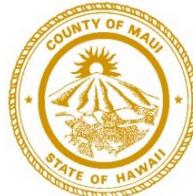
This bill was submitted by unanimous agreement of the Hawaii Law Enforcement Coalition, whose membership includes the Attorney General, the Chief of Police and Prosecutor of each county, and the Director of Law Enforcement.

The Department respectfully requests the passage of this bill.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



DEPARTMENT OF THE PROSECUTING ATTORNEY

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

TESTIMONY ON S.B. 2517 RELATING TO PUBLIC SAFETY

February 1, 2026

The Honorable Carol Fukunaga
Chair
The Honorable Chris Lee
Vice Chair
and Members of the Committee on Public Safety and Military Affairs

Chair Fukunaga, Vice Chair Lee, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of S.B. 2517, Relating to Public Safety**. This bill increases public safety by increasing the penalty for possession, control or transferring ownership of a firearm while prohibited by a lawful judicial restraining or protective order to a class C felony.

We support this bill because it recognizes the danger posed by offenders who possess, control or transfer firearms while a protective or restraining order is in effect. It also provides a deterrent for these offenses by increasing the penalty to a class C felony from a misdemeanor. We believe that this will help prevent future violent incidents from occurring, especially in domestic violence scenarios that often involve the granting of a protective order.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports S.B. 2517**. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries. Thank you very much for the opportunity to provide testimony on this bill.



POLICE DEPARTMENT COUNTY OF MAUI



JOHN PELLETIER
CHIEF OF POLICE

55 MAHALANI STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 244-6400
FAX: (808) 244-6411

WADE M. MAEDA
DEPUTY CHIEF OF POLICE

February 1, 2026

Honorable Senator Carol Fukunaga, Chair
Honorable Senator Chris Lee, Vice Chair
and Members
Committee on Public Safety and Military Affairs
The Thirty-Third Legislature
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

SUBJECT: Testimony in Support of S.B. 2517, Relating to Public Safety

Dear Chair Fukunaga, Vice-Chair Lee, and Committee Members:

I am writing in strong support of SB 2517, which strengthens penalties for individuals who unlawfully possess, control, or transfer firearms or ammunition in violation of a judicial protective order or restraining order.

Currently, such violations are treated as a misdemeanor, even though an active court order signals a heightened risk of violence for the protected party and the public.

This bill recognizes the serious public safety threat posed by individuals who ignore court orders, and establishes that such violations would be a Class C felony. In addition, any repeat offenders, particularly those with prior violent felony convictions, would face even stricter penalties under this measure.

Passing this bill would further protect victims of domestic violence and other high-risk individuals, send a clear message that violating protective orders is a serious crime, enhance public safety, and support law enforcement as well as the courts in enforcing protective measures effectively.

SB 2517 is a common sense and necessary step to ensure the safety of vulnerable individuals and communities.

I respectfully urge the Committee to pass this bill.

Sincerely,

JOHN PELLETIER
Chief of Police

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

SHANNON M. KAGAWA
FIRST DEPUTY
PROSECUTING ATTORNEY



655 KILAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 961-0466
FAX: (808) 961-8908

74-675 KEALAKEHE PARKWAY
KAILUA-KONA, HAWAII 96740
PH: (808) 322-2552
FAX: (808) 322-6584

64-1067 MAMALAHOA HIGHWAY, C-3
KAMUELA, HAWAII 96743
PH: (808) 887-3017
FAX: (808) 887-3016

OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 2517

A BILL FOR AN ACT RELATING TO PUBLIC SAFETY

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Carol Fukunaga, Chair
Senator Chris Lee, Vice Chair

Monday, February 2, 2026 at 3:00 p.m.
Via Videoconference
State Capitol Conference Room 229
415 South Beretania Street

Honorable Chair Fukunaga, Vice-Chair Lee and Members of the Committee on Public Safety and Military Affairs. The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in support of Senate Bill 2517.

SB 2517 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 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 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. Thank you for the opportunity to testify on this matter.

LATE

SB-2517

Submitted on: 2/2/2026 11:58:59 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bradon Ogata	Testifying for Honolulu Police Department	Support	In Person

Comments:

Will be in-person to testify.

SB-2517

Submitted on: 1/31/2026 1:59:19 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kainoa Kaku	Testifying for Hawaii Rifle Association	Oppose	Written Testimony Only

Comments:

My name is **Kainoa Kaku**, President of the **Hawai‘i Rifle Association**, and I respectfully submit testimony **in opposition to SB 2517**.

At the outset, I want to be clear that the Hawai‘i Rifle Association supports protecting victims of abuse and enforcing court orders. Individuals who present a real and immediate threat should be addressed decisively by the justice system. However, SB 2517 does not meaningfully improve safety and instead expands felony liability in a way that raises serious concerns about **due process, proportionality, and unintended consequences**.

SB 2517 elevates the penalty for possessing or controlling a firearm or ammunition while subject to a protective or restraining order from a misdemeanor to a **class C felony**, regardless of intent, conduct, or actual risk. This change treats all violations the same, even though restraining orders vary widely in scope, duration, and underlying circumstances.

In Hawai‘i, many restraining orders are issued **ex parte**, meaning they are granted without the restrained person being present or heard. Under this bill, a person could be exposed to felony prosecution based on an order that was issued temporarily, without a full evidentiary hearing, and sometimes for nonviolent or highly contested situations. That is a serious escalation of criminal liability.

This bill also assumes that felony penalties alone will reduce risk, but there is little evidence that increasing penalties, without addressing enforcement gaps or procedural safeguards, prevents harm. What it does do is:

- Increase the likelihood of **over-charging**
- Create **permanent felony records** for technical or short-term violations
- Discourage compliance by making the consequences extreme and irreversible

Importantly, Hawai‘i law already provides mechanisms to disarm individuals who pose a genuine danger and to punish those who commit violent acts. Judges currently have discretion to impose serious penalties when circumstances warrant it. SB 2517 removes that discretion and replaces it with a one-size-fits-all felony approach.

Public safety is best served by laws that are **carefully tailored, procedurally fair, and focused on actual dangerous behavior**, not by automatically escalating penalties based solely on status.

For these reasons, the **Hawai‘i Rifle Association respectfully urges this Committee to reject SB 2517.**

SB-2517

Submitted on: 2/1/2026 9:58:03 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Wayne Asam	Testifying for Mid Pacific Pistol League	Oppose	Written Testimony Only

Comments:

The Mid Pacific Pistol League writes to express its firm opposition to SB 2517.

This bill would make possession, control, or transfer of a firearm while under a protective or restraining order a Class C felony. While the protection of victims is critically important, SB 2517 raises serious concerns regarding due process.

Protective and restraining orders may be issued without a full evidentiary hearing or without the respondent having a meaningful opportunity to contest the allegations. Automatically imposing felony criminal penalties based on such orders risks violating fundamental principles of fairness and constitutional due process.

Felony convictions carry lifelong consequences, including loss of civil rights, employment barriers, and social stigma. The Mid Pacific Pistol League believes such penalties must be reserved for cases where full procedural protections have been afforded.

Public safety and due process are not mutually exclusive. SB 2517, however, places disproportionate weight on punishment at the expense of fundamental legal safeguards. The Mid Pacific Pistol League respectfully urges you to oppose this bill.

Sincerely,
Mid Pacific Pistol League
Board of Directors

SB-2517

Submitted on: 1/30/2026 7:34:15 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

Aloha,

I am writing to express concerns with SB2517. I am actually okay with violent and dangerous people from not having access to tools to harm someone. I am simply not in complete trust of our judicial system or even those that do their best as police officers. I know quite a few officers that break fairly serious laws themselves as they are simply people and not perfect examples of humans as we all know and have seen in criminal cases involving officers. I have witnessed someone use lies to get someone in trouble and then later it was found that the lying party was actually at fault and the man was not abusing the woman. It is a very touchy subject and I in NO way support harming another. I simply think this can be a manipulation tactic used by mentally abusive people who know they can hurt someone by using the courts if they say or act a certain way. The results and harm that would be inflicted would be serious and isn't something that can be ignored. I don't think this bill will prevent harm from those who are the worst and unfortunately there's not much more than a restraining order can do. Will they take away hammers, knives, cars, rope or any other thing that can be used to harm someone? Firearms are not the most used tool to cause harm and it's odd that this is the only thing being taken away if the goal is to prevent the individual from causing harm to another. I think this is a feel good bill that doesn't lead to its intended result. I unfortunately oppose this bill after seeing misuse and lies convince a court and think it could cause more harm than good.

if convicted of a violent crime I can understand why someone loses their rights. An arguing couple shouldn't lead to one losing their rights if they haven't broken laws or cannot be charged with a crime.

Mahalo,

Chase Cavitt

SB-2517

Submitted on: 1/30/2026 8:29:51 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Steven T Takekoshi	Individual	Oppose	Written Testimony Only

Comments:

Aloha, mahalo for the opportunity to provide testimony.

I oppose this measure as there is already law that addresses this issue, and no need for new legislation on this matter. Especially when there are more urgent issues to be addressed by this body, for instance the affordability crisis, cost of living issues which a majority of you ran on stating you would fix it and to date nothing has been done except maybe more talk, or why several years ago handing out \$35,000 in a brown paper bag did not warrant an investigation.

I ask you to focus on cleaning up your image by calling out the wrongdoing, fraud, pay for play, and corruption we can all see; bringing transparency to government, and working in the People's interests vice self-interest. It does not require writing new laws to do this it requires hard work, and I ask you drop this political theater and start doing the work.

I would posit that testimony will be in opposition to this proposal, but it will move forward despite that. We the people are tired of being ignored.

Again, mahalo for the opportunity to provide testimony and your attention my plea.

Sincerely,

Steven Takekoshi

Waipahu, HI

SB-2517

Submitted on: 1/30/2026 11:26:29 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Charles-Michael victorino	Individual	Oppose	Written Testimony Only

Comments:

I submit this testimony in opposition to SB2517.

Violent offenders are already prohibited from possessing or owning firearms under both state and federal law. Existing statutes already address the risk posed by individuals who have been convicted of violent crimes, making additional restrictions unnecessary to achieve public safety goals.

SB2517 instead expands firearm prohibitions based on Temporary Restraining Orders (TROs), which raises serious due process concerns. TROs are frequently granted on an ex parte basis, without a full evidentiary hearing and without the respondent having an opportunity to present evidence, cross-examine witnesses, or otherwise defend themselves. Using such temporary and preliminary orders as the basis for the loss of a fundamental constitutional right undermines basic principles of fairness and due process.

Fundamental rights should not be suspended based on allegations alone or before a meaningful judicial review has occurred. While protecting victims is critically important, it must be done in a way that respects constitutional safeguards and ensures that penalties are imposed only after appropriate legal standards are met.

Public safety and due process are not mutually exclusive. Laws that erode constitutional protections risk being overbroad, unjust, and vulnerable to legal challenge, without delivering measurable improvements in safety.

For these reasons, I respectfully urge you to oppose SB2517.

SB-2517

Submitted on: 1/31/2026 12:10:53 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

This could wrongfully make people felons based on a bad tro.

SB-2517

Submitted on: 1/31/2026 4:03:23 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments: I oppose this bill.

SB-2517

Submitted on: 1/31/2026 7:01:54 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

oppose

SB-2517

Submitted on: 1/31/2026 7:37:38 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

I *oppose* SB2517. The bill makes firearm or ammunition possession a Class C felony based solely on a protective or restraining order, without considering individual circumstances or due process.

Hawai‘i already has strict gun laws, and this measure adds severe penalties without clear evidence it will improve public safety. Automatic felony charges risk long-term harm to non-violent individuals while failing to address the root causes of conflict.

I respectfully urge a NO vote on SB2517.

SB-2517

Submitted on: 1/31/2026 7:49:03 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

This bill is useless as any firearm misdemeanor also leads to losing ones 2nd amendment right for 20 years anyways due to HI's other law about miscdemeanors involving firearms.

SB-2517

Submitted on: 1/31/2026 8:36:09 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

To whom this may concern,

this bill is an overstep of government and goes against the second amendment. Please oppose.

Mahalo

SB-2517

Submitted on: 1/31/2026 9:08:16 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Reid Oya	Individual	Oppose	Written Testimony Only

Comments:

I am writing in strong opposition to SB2517, which would upgrade the penalty for possessing, controlling, or transferring a firearm or ammunition while subject to a valid judicial protective order or restraining order from a misdemeanor to a Class C felony. While protecting victims of domestic abuse or threats is critically important, this bill raises significant concerns about fairness, due process, and potential overreach. Key issues include:

1. Protective orders often issued without full due process: Temporary restraining orders (TROs) or ex parte protective orders can be granted based on one party's allegations, sometimes without the accused present or with limited evidence. Escalating firearm possession violations under these orders to a felony (up to 5 years prison) risks severe punishment before a full hearing or final adjudication of abuse claims. This can lead to injustice in contested or unfounded cases.
2. Disproportionate penalties: Federal law already prohibits firearm possession by those under certain qualifying protective orders (18 U.S.C. § 922(g)(8)), with felony-level consequences at the federal level if violated. Hawaii's existing laws address violations of protective orders. Making state-level possession alone a Class C felony overlaps redundantly and imposes harsh mandatory consequences without necessarily advancing safety more effectively than current enforcement tools.
3. Potential for misuse or abuse of orders: In high-conflict family or relationship disputes, protective orders can sometimes be sought strategically (e.g., in custody battles). Automatically triggering felony charges for firearm possession—even if no threat or violence occurs—could be exploited, leading to loss of rights, employment impacts, and family disruption for individuals who pose no real danger.
4. Lack of nuance and alternatives: The bill does not distinguish between temporary/ex parte orders and permanent/final ones, nor does it require proof of intent to harm. Better approaches might include stronger enforcement mechanisms, mandatory surrender protocols, or enhanced monitoring rather than blanket felony upgrades that burden the courts and prisons.

I support genuine victim protection but urge the committee to reject SB2517 or amend it significantly to include safeguards like requiring a hearing/final order before felony escalation, or focusing on evidence-based prevention. Hawaii's strict firearms laws already provide robust tools—let's prioritize due process and proportionality. Mahalo for considering my testimony. I respectfully request that this bill be deferred or defeated.

SB-2517

Submitted on: 1/31/2026 10:25:38 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Debbie Wyand	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB 2517. It would make possession, control, or transfer of a firearm while under a protective or restraining order a Class C felony. Protective orders can sometimes be issued without full evidentiary hearings, raising serious due process concerns when automatic felony penalties are applied.

Vote no.

SB-2517

Submitted on: 1/31/2026 10:26:26 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

I am writing to express my firm opposition to SB 2517.

This bill would make possession, control, or transfer of a firearm while under a protective or restraining order a Class C felony. While the protection of victims is critically important, SB 2517 raises serious due process concerns.

Protective and restraining orders can, in some cases, be issued without a full evidentiary hearing or without the accused having an adequate opportunity to contest the allegations. Automatically attaching felony criminal penalties to such orders risks punishing individuals without sufficient procedural safeguards.

Felony convictions carry lifelong consequences, including loss of civil rights, employment barriers, and social stigma. Such penalties should only be imposed following robust due process, not as an automatic consequence of civil orders that may be temporary or contested.

Public safety and constitutional protections are not mutually exclusive. SB 2517, however, tilts too far toward punishment at the expense of fundamental fairness. I respectfully urge you to oppose this bill.

Sincerely,
Wayne Asam

SB-2517

Submitted on: 1/31/2026 10:39:59 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mikhael Kobayashi	Individual	Oppose	Written Testimony Only

Comments:

vote no

SB-2517

Submitted on: 1/31/2026 10:44:09 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

My name is **Xander**, and I am a **16-year-old sophomore in Hawai‘i**. I am writing to respectfully oppose SB 2517.

This bill would make firearm possession a felony for anyone under a protective or restraining order. While protecting people from harm is very important, I am worried about fairness.

Protective orders can sometimes be issued quickly and without a full hearing. Turning that kind of order into an automatic felony charge seems unfair, especially when felony convictions can affect someone for the rest of their life.

I believe serious punishments should only happen after full due process and careful review. For these reasons, I respectfully ask that you oppose SB 2517.

Sincerely,
Xander
Age 16, Sophomore
Hawai‘i

SB-2517

Submitted on: 1/31/2026 10:46:36 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

My name is **Kai Asam**, and I am writing to respectfully oppose SB 2517.

This bill would make possession, control, or transfer of a firearm while under a protective or restraining order a felony offense. While protecting victims of abuse is critically important, SB 2517 raises serious due process concerns.

Protective and restraining orders can sometimes be issued without a full evidentiary hearing or without the accused having a meaningful opportunity to respond. Automatically attaching felony criminal penalties to such orders risks punishing individuals without sufficient procedural safeguards.

Felony convictions carry lifelong consequences, and such penalties should only be imposed after full due process and careful judicial review. For these reasons, I respectfully urge you to oppose SB 2517.

Sincerely,
Kai Asam

SB-2517

Submitted on: 1/31/2026 11:01:50 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cliff mello	Individual	Oppose	Written Testimony Only

Comments:

Chair, Vice Chair, and Members of the Committee:

I submit this testimony in strong opposition to SB2517. While framed as a public safety measure, this bill escalates criminal penalties in a manner that is constitutionally questionable, legally overbroad, and unsupported by evidence that it will improve safety outcomes.

SB2517 elevates the unlawful possession, control, or transfer of a firearm or ammunition in violation of a protective or restraining order from a misdemeanor to a class C felony. This represents a significant escalation in criminal punishment without sufficient procedural or constitutional safeguards.

Protective orders and restraining orders are often issued through expedited or ex parte proceedings, where the restrained party may not have been present, heard, or afforded full due process protections at the time the order was entered. **Escalating a violation of such orders to felony status risks imposing severe criminal penalties based on orders that may later be modified, dissolved, or found unsupported.**

Due process under the Fifth and Fourteenth Amendments requires that criminal penalties be imposed only after fair notice, meaningful opportunity to be heard, and proportional adjudication. **Automatically attaching felony liability to conduct arising from civil or quasi-civil proceedings undermines these protections.** Courts have consistently recognized that heightened criminal penalties require heightened procedural safeguards.

SB2517 also raises proportionality concerns. **The Eighth Amendment to the U.S. Constitution prohibits punishments that are grossly disproportionate to the offense.** In *Solem v. Helm*, the U.S. Supreme Court held that sentencing must be proportionate to both the offense and the

offender's conduct. SB2517 applies felony punishment broadly, without requiring proof of violent conduct, intent to harm, or actual injury.

The bill further departs from modern Second Amendment jurisprudence. In *District of Columbia v. Heller* and *New York State Rifle & Pistol Association v. Bruen*, the Supreme Court made clear that firearm regulations must be consistent with the Nation's historical tradition.

Historically, firearm restrictions tied to court orders focused on disarmament during the pendency of proceedings, not automatic felony criminalization absent violent misuse.

There is also **no credible evidence presented that increasing penalties from misdemeanor to felony in these circumstances reduces violence or enhances compliance with court orders.** Research consistently shows that certainty of enforcement, not severity of punishment, is the primary deterrent to unlawful conduct. SB2517 increases punishment without addressing enforcement quality or due process reliability.

From a practical standpoint, SB2517 risks over-criminalization. It may result in felony convictions for technical or administrative violations, misunderstandings of order scope, or temporary possession issues, rather than targeting genuinely dangerous conduct. **This approach burdens the justice system, increases incarceration costs, and exposes individuals to lifelong felony consequences without clear public safety benefit.**

Public safety legislation must be narrowly tailored, constitutionally sound, and evidence-based. **SB2517 fails these standards.** It expands felony liability through a blunt statutory mechanism that prioritizes punishment over due process and proportionality.

For these reasons, I respectfully urge the Committee to oppose SB2517.

Mahalo for the opportunity to submit testimony.

SB-2517

Submitted on: 1/31/2026 12:52:00 PM

Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

I oppose this bill!

SB-2517

Submitted on: 1/31/2026 12:55:03 PM

Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mallory De Dely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill!

SB-2517

Submitted on: 1/31/2026 12:56:18 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

Oppose since protective orders can be issued without full evidentiary hearings, raising serious due process concerns when automatic felony penalties are applied.

SB-2517

Submitted on: 1/31/2026 12:57:54 PM

Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Dedely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill!

SB-2517

Submitted on: 1/31/2026 1:26:03 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dennis Djou	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. Restraining orders are hearsay accusations and not convictions.

SB-2517

Submitted on: 1/31/2026 2:22:26 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kevin J. Cole	Individual	Oppose	In Person

Comments:

Aloha,

I wish to say that I do not support this Bill. Once again members of the legislature are overreacting to events and overstepping their bounds. The law abiding people of Hawaii are not the issue when it comes to weapons for protection. If the government really wants to enhance public safety, they should focus their efforts on ensuring repeat offenders are not allowed back in public.

Concentrate on the crooks, not the citizens.

V/R

Kevin J. Cole, Mililani Col USAF Ret.

Article 1 Section 17 of the Hawaii State Constitution The “RIGHT TO BEAR ARMS”

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms *shall not be infringed.*

SB-2517

Submitted on: 1/31/2026 2:56:49 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John Terry	Individual	Oppose	In Person

Comments:

Written Testimony in Opposition to SB 2517

I respectfully submit this testimony in opposition to SB 2517.

SB 2517 would make the possession, control, or transfer of a firearm while subject to a protective or restraining order a Class C felony. While the intent of protecting individuals from harm is important, the structure of this bill raises serious concerns regarding due process, proportionality, and constitutional fairness.

Protective and restraining orders can, in certain circumstances, be issued without a full evidentiary hearing or without the accused having an immediate opportunity to present evidence or challenge allegations. When such orders automatically trigger felony criminal liability, the result is a significant penalty imposed without the procedural safeguards traditionally required when fundamental rights and liberties are at stake. Elevating this conduct to felony status risks punishing individuals before full judicial review has occurred.

From a constitutional perspective, laws that impose criminal penalties must be carefully balanced with due process protections. Automatic felony classifications tied to civil orders blur the distinction between preventive measures and criminal punishment. This approach risks undermining the presumption of innocence and expands criminal liability in a manner that may not be narrowly tailored to address actual threats or violent behavior.

These concerns are especially meaningful when viewed through Hawaii's historical and cultural lens. Traditional Hawaiian systems of justice emphasized balance, fairness, and restoration. Concepts such as kuleana and ho'oponopono reflected an understanding that justice requires careful consideration of context, responsibility, and proportional response. Punishment was not imposed reflexively, but with the goal of restoring harmony while respecting individual rights and community wellbeing.

Sweeping felony penalties imposed without full procedural safeguards depart from both constitutional traditions and Hawaii's cultural values. Public safety is best served when laws focus on demonstrably dangerous conduct, allow courts to exercise discretion, and ensure that serious criminal penalties are imposed only after full and fair judicial processes.

For these reasons, I respectfully oppose SB 2517 and urge lawmakers to consider its due process implications, its alignment with Hawaii's historical values, and the risk of disproportionate outcomes that may result from automatic felony classification.

Thank you for the opportunity to submit this testimony.

Respectfully submitted,

John Terry

SB-2517

Submitted on: 1/31/2026 3:51:48 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

I oppose this bill

SB-2517

Submitted on: 1/31/2026 4:18:31 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shyla Moon	Individual	Oppose	Written Testimony Only

Comments:

Oppose to creating more laws over laws we already have.

SB-2517

Submitted on: 1/31/2026 4:26:06 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Isaac Moon	Individual	Oppose	Written Testimony Only

Comments:

How is a ammo store supposed to know someone has a TRO? This bill makes absolutely no sense.

SB-2517

Submitted on: 1/31/2026 5:27:42 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marlon Calventas	Individual	Oppose	Written Testimony Only

Comments:

Oppose this bill.

SB-2517

Submitted on: 1/31/2026 7:03:19 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bradford Davis	Individual	Oppose	Written Testimony Only

Comments:

I do not support this legislation because it erodes personal freedoms citizens and excessively punishes them.

Respectfully,

Bradford Davis

SB-2517

Submitted on: 1/31/2026 7:13:37 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

I oppose SB 2517. Parties being served protective or restraining orders, should be well aware of their situation. This bill raises serious concerns in due process, when automatic felony penalties are applied.

Thank you for the opportunity to submit testimony in opposition to this measure. While I fully support efforts that genuinely enhance public safety and protect victims of violence, this bill raises serious **constitutional, legal, and practical concerns**. As written, it risks punishing lawful individuals without adequate due process, conflicts with controlling U.S. Supreme Court precedent, and unnecessarily infringes upon the fundamental rights of responsible gun owners.

Felony Escalation Without Meaningful Due Process

This bill would elevate a violation of a protective or restraining order involving firearm possession from a **misdemeanor to a Class C felony**, even when the underlying order is:

- **Civil in nature**, not criminal
- **Issued ex parte**, without the respondent present
- **Temporary or administrative**, often entered without a finding of guilt or dangerousness

In many cases, individuals subject to temporary restraining orders have **not been convicted of any crime**, nor afforded full due-process protections such as the right to confront witnesses or present evidence. Escalating such violations to a felony imposes **severe and irreversible consequences**—including permanent loss of civil rights—based on orders that may later be dismissed or found unwarranted.

This raises serious **Fourteenth Amendment due-process concerns**, particularly where felony punishment is imposed without a prior criminal adjudication.

Conflict With the Supreme Court's *Bruen* Decision

In *New York State Rifle & Pistol Association v. Bruen* (2022), the U.S. Supreme Court made clear that firearm regulations must be consistent with the **text, history, and tradition** of the Second Amendment. Laws that broadly prohibit firearm possession must be justified by **historical analogues from the Founding Era**, not by modern policy preferences or generalized public-safety assertions.

This bill fails that test.

There is **no historical tradition** in early American law of:

- Automatically disarming individuals based on civil court orders
- Imposing felony penalties absent a criminal conviction
- Treating firearm possession itself as a felony for non-violent, non-criminal conduct

By relying on status rather than conduct, this bill risks being unconstitutional under the *Bruen* framework and exposes the State to **costly and avoidable litigation**.

Overbreadth and Disproportionate Impact on Law-Abiding Gun Owners

The bill does not meaningfully distinguish between:

- Individuals who pose a demonstrable threat
- Law-abiding citizens caught in contentious civil disputes (such as divorce or custody matters)

Protective orders are often issued as a **precautionary measure**, not as a finding of danger or wrongdoing. Turning technical or unknowing violations into felonies will:

- Criminalize otherwise responsible citizens
- Permanently strip individuals of constitutional rights
- Discourage cooperation with courts out of fear of severe punishment

This approach undermines public confidence in the legal system and **chills lawful behavior**, rather than promoting genuine safety.

Redundancy and Ineffectiveness in Enhancing Public Safety

Hawaii already has laws that prohibit firearm possession by individuals who are **convicted criminals** or who pose a demonstrable risk. Courts already have authority to:

- Enforce protective orders
- Penalize violations
- Detain individuals who present credible threats

Escalating penalties does not address root causes of violence and does not meaningfully deter bad actors—who, by definition, already disregard the law. Instead, it primarily ensnares **those who are otherwise compliant and peaceable**.

Conclusion

Public safety and constitutional rights are not mutually exclusive. Unfortunately, this bill sacrifices the latter without delivering the former. By imposing felony penalties without sufficient due process, ignoring Supreme Court precedent, and disproportionately burdening lawful gun owners, this measure is **overbroad, constitutionally suspect, and legally vulnerable**.

For these reasons, I respectfully urge you to **OPPOSE S.B. 2517** and instead pursue narrowly tailored, constitutionally sound policies that address violent behavior without eroding fundamental civil liberties.

Mahlo, Jason T Wolford,

SB-2517

Submitted on: 1/31/2026 8:42:41 PM
Testimony for PSM on 2/2/2026 3:00:00 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

Submitted on: 2/1/2026 5:29:05 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew J. Viloria	Individual	Oppose	Written Testimony Only

Comments:

SB 2517 seeks to make possession, control, or transfer of a firearm while under a protective or restraining order a Class C felony. Protective orders can sometimes be issued without full evidentiary hearings, which will raise very serious due process concerns when felony penalties are suddenly and automatically applied.

SB-2517

Submitted on: 2/1/2026 8:16:14 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

Oppose this bill. This is another example of stacking charges ahead of due process. Not all restrictive orders are true and many are argued in court to dismiss. Do not pass this bill.

SB-2517

Submitted on: 2/1/2026 8:54:13 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Winfrey Pablo	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to SB2517,

Would make possession, control or transfer of a firearm while under a protective or restraining order a Class C felony. Protective orders can sometimes be issued without full evidentiary hearings, raising due process concerns when automatic felony penalties are applied.

-Elevated Criminal Penalties: The bill establishes that unlawful possession, control, or transfer of a firearm or ammunition by a person under a valid judicial protective order or restraining order constitutes a class C felony.

-Stricter Sentencing for Felons: If a person with a prior felony conviction violates these provisions, they would be guilty of a class B felony.

-Mandatory Prison Time: If the prior conviction was a crime for violence, the defendant faces a mandatory indeterminate term of imprisonment.

-Increased Enforcement Power: By upgrading the offense to a felony, the bill provides law enforcement with stronger tools to address violations of protective orders.

SB-2517

Submitted on: 2/1/2026 9:08:24 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Katherine Muhs	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in support of SB 2517 establishing certain gun-related offences as a Class C felony. In such cases (protective order, restraining order) the offending individual has already established themselves as violent or potentially violent. Establishing this behavior as a Class C felony allows for the law to protect the public with strict jail time. I'd even be in favor of it being a class B felony.

Please pass this bill into law.

Sincerely,

Katherine Muhs, Keaau, HI

SB-2517

Submitted on: 2/1/2026 10:02:10 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

I strongly oppose SB 2517. how about actually enforcing TRO and RO. I had a individual violate a restraining order I had over 25 times in two years and nothing was ever done to them

SB-2517

Submitted on: 2/1/2026 10:45:54 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tyler Ubias	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

SB-2517

Submitted on: 2/1/2026 11:40:05 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Justin Arnold	Individual	Oppose	Written Testimony Only

Comments:

I Vehemently oppose this bill, it is too broad and has room for interpretation. The Constitution was clear in the 2nd Amendment, the Right to keep and bear arms(all arms) is not to be infringed.

Not all Protective Orders are legit and evidence based. Due Process is actually a thing in regards to legality that must be upheld. This bill clearly violates that due process.

Please stop wasting my time and my and other tax payers moneys with legislation like this that we oppose. As representatives, you are supposed to be our voice, yet, I dont recall any of us requesting this. So, please stop all infringing of our constitutionally protected rights. Mahalo.

SB-2517

Submitted on: 2/1/2026 11:48:44 AM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chester Holt	Individual	Oppose	Written Testimony Only

Comments:

This bill would impose felony charges on individuals who would have no formal convictions for actual crimes. This raises due process concerns. Stated plainly, if an individual has done something that warrants being disarmed they should have a conviction to go along with it. My concern is also that this could be abused by falsely filing protective orders, handing out felonies, resulting in gun owners losing their right to vote. Which may be a form of voter suppression.

SB-2517

Submitted on: 2/1/2026 12:13:28 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lily Villarin	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

SB-2517

Submitted on: 2/1/2026 12:14:39 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

I oppose this bill

SB-2517

Submitted on: 2/1/2026 12:17:57 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

While at its base, this bill can protect people against their attackers, it can also be mis-allocated to disarm a victim. Anyone can make a "reasonable" claim for a restraining order against another, including aggressors against their victims. Take this one back to the drawing-board.

SB-2517

Submitted on: 2/1/2026 12:38:41 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James Revells	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill !

SB-2517

Submitted on: 2/1/2026 12:57:17 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

I oppose this bill

SB-2517

Submitted on: 2/1/2026 1:20:31 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rustin Magliba	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

SB-2517

Submitted on: 2/1/2026 1:21:51 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Margaret ST Vesnefski	Individual	Oppose	Written Testimony Only

Comments:

Oppose this bill. This is another example of stacking charges ahead of due process. Not all restrictive orders are valid, and many are challenged in court and dismissed. Do not pass this bill.

SB-2517

Submitted on: 2/1/2026 1:32:12 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alvin Rodrigues	Individual	Oppose	Written Testimony Only

Comments:

i oppose bill sb 2517 this bill makes it a felony if you have guns while you are accused of a crime or other reason but you have not bin convicted of anything yet. anyone can be accused of a crime but IN AMERICA YOU(WE THE PEPOLE) ARE INNOCENT UNTILL (see the word untill) PROVEN GUILTY. this bill is unconstitutional.

SB-2517

Submitted on: 2/1/2026 1:33:29 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

Aloha I respectfully submit testimony in opposition to this bill.

While I support protecting victims of abuse and holding violent offenders accountable, this measure raises serious due process and fairness concerns. Establishing a Class C felony for possession, control, or transfer of a firearm or ammunition based solely on the existence of a protective or restraining order risks criminalizing individuals who may not have received clear, timely, or meaningful notice that such an order was issued or that it included firearm restrictions.

In real-world situations, temporary restraining orders can be granted ex parte and served after the fact. Individuals may unknowingly violate an order before they are properly informed or before they have had an opportunity to contest it in court. Elevating these violations to felony status is a disproportionate response that can permanently damage a person's employment, housing, and family stability without proof of intent or actual harm.

Additionally, this bill removes important judicial discretion by imposing a felony penalty regardless of context. Not all violations involve threats, violence, or misuse of a firearm, yet this proposal treats all cases the same. Hawai'i's justice system should distinguish between willful, dangerous conduct and unintentional or technical violations.

Existing law already provides tools to protect victims and address dangerous behavior. This bill is not narrowly tailored and instead expands felony liability in a way that risks undermining trust in the legal system while failing to improve public safety.

For these reasons, I urge the committee to oppose this measure or amend it to ensure clear notice requirements, proportional penalties, and adequate protections for due process.

Mahalo

SB-2517

Submitted on: 2/1/2026 1:42:51 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Pitman	Individual	Oppose	Written Testimony Only

Comments:

I oppose this.

SB-2517

Submitted on: 2/1/2026 1:48:25 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Martin Humpert	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

SB-2517

Submitted on: 2/1/2026 2:02:22 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bunnie Harrington	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

Regards,

Bunnie

SB-2517

Submitted on: 2/1/2026 2:06:22 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacob Wruck	Individual	Oppose	In Person

Comments:

SB 2517 needs to be voted against as it can allow citizens to be wrongfully accused of action deemed necessary for a protective or restraining order without a full evidentiary hearing, have them be classified as a felon, then (after they have to pay out of pocket for a lawyer), can have them exonerated from their charges. Then they potentially can sue the state. Utilizing State of Hawai‘i collective bargaining summaries & national court cost studies; rounded for planning use this is the average cost per case and including cost to house of just one accused:

Felony processing (plea, no trial) 1.5–6.0 \$5,500–\$15,000 \$917–\$10,000 / court-hr

Felony processing (contested trial) 16–80 \$95,000–\$150,000+ \$1,188–\$9,375+ / court-hr

This cost analysis does not include what the state must pay out if and when they win against the State. If this bill goes into effect, it will be costing the taxpayers roughly \$100,000 each time someone is wrongfully accused.

SB-2517

Submitted on: 2/1/2026 2:08:12 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Harrington	Individual	Oppose	Written Testimony Only

Comments:

I strongly disagree, and oppose this bill.

Thank you,

Michael

SB-2517

Submitted on: 2/1/2026 2:13:28 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lanette Bourg	Individual	Oppose	Written Testimony Only

Comments:

Oppose

SB-2517

Submitted on: 2/1/2026 2:20:27 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

SB2517: oppose

Aloha,

I am writing to express concerns with SB2517. I am actually okay with violent and dangerous people from not having access to tools to harm someone. I am simply not in complete trust of our judicial system or even those that do their best as police officers. I know quite a few officers that break fairly serious laws themselves as they are simply people and not perfect examples of humans as we all know and have seen in criminal cases involving officers. I have witnessed someone use lies to get someone in trouble and then later it was found that the lying party was actually at fault and the man was not abusing the woman. It is a very touchy subject and I in NO way support harming another. I simply think this can be a manipulation tactic used by mentally abusive people who know they can hurt someone by using the courts if they say or act a certain way. The results and harm that would be inflicted would be serious and isn't something that can be ignored. I don't think this bill will prevent harm from those who are the worst and unfortunately there's not much more than a restraining order can do. Will they take away hammers, knives, cars, rope or any other thing that can be used to harm someone? Firearms are not the most used tool to cause harm and it's odd that this is the only thing being taken away if the goal is to prevent the individual from causing harm to another. I think this is a feel good bill that doesn't lead to its intended result. I unfortunately oppose this bill after seeing misuse and lies convince a court and think it could cause more harm than good.

if convicted of a violent crime I can understand why someone loses their rights. An arguing couple shouldn't lead to one losing their rights if they haven't broken laws or cannot be charged with a crime.

Mahalo,

Jacob Rathje

SB-2517

Submitted on: 2/1/2026 2:24:19 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stephen Yuen	Individual	Oppose	Written Testimony Only

Comments:

Protective orders can sometimes be issued without full evidentiary hearings, raising serious due process concerns when automatic felony penalties are applied.

SB-2517

Submitted on: 2/1/2026 2:31:51 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Timothy Miyao	Individual	Oppose	Written Testimony Only

Comments:

Honorable Members of the Public Safety and Military Affairs Committee,

Please oppose SB2517.

Protective orders can be issued without due process. Automatic felony penalties applied for an individual, who has not be found guilty of a crime in a court of law, poses significant due process concerns.

Mahalo for your time!

SB-2517

Submitted on: 2/1/2026 2:35:34 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

Comments:

Oppose

This bill would allow the state to go after people with felony penalties without a criminal conviction

SB-2517

Submitted on: 2/1/2026 2:39:15 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John Miyagi	Individual	Oppose	Written Testimony Only

Comments:

To be short, sweet and to the point. I oppose this "Bill", due to the fact that that it has no statistical backing that criminals are turning in any firearms during this program in previous years. Mahalo

SB-2517

Submitted on: 2/1/2026 2:39:20 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gregory Fogarty	Individual	Oppose	Written Testimony Only

Comments:

Oppose this bill

LATE

SB-2517

Submitted on: 2/1/2026 6:07:20 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Raymund Bragado	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I'm a retired veteran with two combat deployment to Iraq 2003 and 2008. We all took an oath to support and defend the US Constitution. This bill goes against that. Every citizen should not be deprived of their Constitutional rights. Our state of Hawaii is so anti 2nd A. Please honor your oath of supporting and defending the highest law of the land the US Constitution.

Very Respectfully,

Raymund Bragado

SB-2517

Submitted on: 2/1/2026 7:01:50 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Chris Millen	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as proposed/written.

LATE

SB-2517

Submitted on: 2/1/2026 9:32:27 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicholas Zehr	Individual	Oppose	Written Testimony Only

Comments:

Chair, Vice Chair, and Members of the Committee,

I respectfully oppose SB2517.

Protective orders exist to reduce harm and de-escalate dangerous situations, and violations of lawful court orders should be taken seriously. However, SB2517 goes beyond that goal by imposing a felony penalty based solely on possession, without requiring proof of violence, threats, intent, or actual harm.

From a civil liberties and public safety perspective, this approach raises serious concerns.

Protective and restraining orders are often issued ex parte, based on a preliminary showing, and may later be modified, dismissed, or expire. Elevating a technical violation of such an order to a felony risks permanently stripping individuals of fundamental rights and imposing lifelong consequences without the procedural safeguards typically required for felony criminal liability.

Felony penalties should be reserved for conduct that is demonstrably violent, coercive, or dangerous, not for status-based or paperwork-based offenses. Existing law already allows courts to impose strict conditions, enforce compliance, and prosecute violent or threatening conduct aggressively. When actual harm or credible threats occur, prosecutors already have robust felony tools available.

There is also a risk of disproportionate impact. Felony convictions carry cascading consequences for employment, housing, family stability, and civic participation, which can undermine rehabilitation and long-term safety, particularly in communities already overrepresented in the criminal justice system.

A more balanced approach would focus on:

- Swift enforcement of existing orders,
- Clear notice and due process protections,
- Enhanced penalties tied to actual violence, threats, or misuse, rather than mere possession.

Public safety is best served by laws that are narrowly tailored, proportionate, and rooted in due process. SB2517, as drafted, expands felony liability too broadly and risks undermining both constitutional principles and effective violence prevention.

For these reasons, I respectfully urge the committee to oppose SB2517 or substantially amend it to focus on conduct, not status.

Thank you for the opportunity to testify.

LATE

SB-2517

Submitted on: 2/1/2026 10:59:50 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
james smith	Individual	Oppose	Remotely Via Zoom

Comments:

Subject: Testimony Opposing S.B. 2517 – Due Process and Constitutional Concerns

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

My name is James H. Smith, and I respectfully submit testimony in opposition to S.B. 2517.

I fully support efforts to protect victims of domestic violence and to improve public safety. However, this measure raises serious constitutional concerns related to due process, proportionality, and established federal case law governing firearm prohibitions tied to protective orders.

1. Due Process Concerns with Ex Parte Protective Orders

In Hawai‘i, temporary restraining orders and protective orders are frequently issued on an ex parte basis, meaning the accused individual is not present and has not yet had the opportunity to be heard. S.B. 2517 would elevate simple possession of a firearm or ammunition during this period from a misdemeanor to a Class C felony.

This creates a situation where a person may become a felon based solely on a civil court order issued without their participation, before any evidentiary hearing, and before any finding of wrongdoing. The bill effectively converts a temporary civil status into a felony criminal trigger, without the procedural safeguards typically required before depriving a person of liberty and constitutional rights.

2. Conflict with Federal Case Law — United States v. Rahimi (2024)

In United States v. Rahimi, 602 U.S. ____ (2024), the United States Supreme Court upheld firearm prohibitions for individuals subject to domestic violence restraining orders only when robust procedural protections are present, including notice, a hearing, and specific judicial findings that the individual poses a credible threat.

S.B. 2517 does not distinguish between:

- Temporary ex parte orders
- Orders issued after a full evidentiary hearing
- Orders containing explicit judicial findings of dangerousness

By applying felony penalties uniformly, the bill risks exceeding the constitutional limits described by the Supreme Court and invites immediate legal challenge.

3. Second Amendment Framework — New York State Rifle & Pistol Association v. Bruen (2022)

In NYSRPA v. Bruen, 597 U.S. ___ (2022), the Court held that firearm regulations must be consistent with the Nation's historical tradition of firearm regulation. There is no historical analogue for imposing felony penalties based solely on possession of a firearm during a temporary civil order issued without a hearing.

The historical tradition supports disarmament after adjudication, not before.

4. How This Law Would Likely Be Struck Down in Court

If enacted, this law would almost certainly be challenged during prosecution. A person charged under this statute while subject only to an ex parte order would have strong grounds to file a motion to dismiss on constitutional grounds.

Courts would evaluate:

- Whether the person had notice and an opportunity to be heard
- Whether a judicial finding of dangerousness was made
- Whether felony punishment can attach to a temporary civil status without adjudication

Under the standards articulated in Rahimi and Bruen, a court would likely find the law unconstitutional as applied to individuals under ex parte orders. This would result in dismissed prosecutions, appellate review, and significant litigation costs to the State. The law would not fail at passage — it would fail during enforcement.

5. Proportionality and Judicial Discretion

This bill removes judicial discretion and mandates felony treatment for possession alone, even when:

- No violent act has occurred
- No threat has been made
- No criminal history exists
- The individual is attempting to comply but has not yet had opportunity to transfer or surrender property

The result is a disproportionate penalty that may do more to criminalize procedural timing than to enhance public safety.

6. Public Safety Is Best Served by Enforceable, Constitutional Law

Laws that exceed constitutional boundaries do not enhance safety. They create litigation, uncertainty for law enforcement, and uneven application. A narrowly tailored approach that distinguishes between ex parte orders and orders issued after full hearings with findings of dangerousness would better serve both victims and constitutional protections.

Conclusion

I respectfully ask the committee to defer S.B. 2517 in its current form. If the intent is to improve safety for protected parties, the legislation must be carefully aligned with due process requirements and recent Supreme Court precedent to ensure it is both effective and constitutional.

Mahalo for your consideration.

Respectfully,

James H. Smith

LATE

SB-2517

Submitted on: 2/2/2026 12:18:52 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

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

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.

LATE

SB-2517

Submitted on: 2/2/2026 12:42:35 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James Mueller	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE SB 2517

LATE

SB-2517

Submitted on: 2/2/2026 12:43:57 PM
Testimony for PSM on 2/2/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Atom Kasprzycki	Individual	Oppose	Written Testimony Only

Comments:

This bill violates the US Constitution and the Second Amendment.