



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-EIGHTH LEGISLATURE, 2016**

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**ON THE FOLLOWING MEASURE:**  
S.B. NO. 2954, S.D. 2, RELATING TO FIREARMS.

**BEFORE THE:**  
HOUSE COMMITTEE ON JUDICIARY

**DATE:** Friday, March 18, 2016 **TIME:** 2:00 p.m.  
**LOCATION:** State Capitol, Room 325  
**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Laureen Uwaine, Assistant Administrator, Hawaii Criminal Justice Data Center

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General supports this bill.

The purpose of this bill is to require the police department to perform certain inquiries on a person bringing a firearm into the State before making a determination to register the firearm, and to allow the Hawaii Criminal Justice Data Center to view firearm registration data as part of a firearm registration sharing initiative among the county police departments.

The inquiries being required for registering a firearm should also be required in the permitting process. These inquiries include checks of systems that are not part of the criminal background check conducted through the Hawaii Criminal Justice Data Center (HCJDC) and the Federal Bureau of Investigation (FBI), pursuant to section 846-2.7, Hawaii Revised Statutes (HRS). In addition, to facilitate state and federal criminal history background checks, the HCJDC has developed a standard protocol, which has been approved by the FBI to ensure that there are no questions as to the authority for these checks.

As such, we recommend the following amendments to this bill, which follow the wording in H.B. No. 2629, H.D. 2, as it relates to criminal history record checks:

We recommend that page 3, lines 9-16, should be amended to read, “perform an inquiry on the person by using the International Justice and Public Safety Network, including the United States Immigration and Customs Enforcement query, the National Crime Information Center, and the National Instant Criminal Background Check System, and conduct a criminal history record check pursuant to section 846-2.7 before any determination to register a firearm is made.”

We recommend that the bill also be revised to include the following amendments:

Section 134-2, HRS, subsections (e) (in pertinent parts) and (i) should be amended to read as follows:

“(e) . . . The issuing authority shall perform an inquiry on an applicant [~~who is a citizen of the United States~~] by using the International Justice and Public Safety Network including the United States Immigration and Customs Enforcement query, the National Crime Information Center, and the National Instant Criminal Background Check System, and conduct a criminal history record check pursuant to section 846-2.7 before any determination to issue a permit or to deny an application is made. [~~If the applicant is not a citizen of the United States and may be eligible to acquire a firearm under this chapter, the issuing authority shall perform an inquiry on the applicant, by using the National Instant Criminal Background Check System, to include a check of the Immigration and Customs Enforcement databases, before any determination to issue a permit or to deny an application is made.~~]”

“(i) No fee shall be charged for permits, or applications for permits, under this section, except for a single fee chargeable by and payable to the issuing county, for individuals applying for their first permit, in an amount equal to the fee [~~actually~~] charged by the [~~Federal Bureau of Investigation to the issuing police department for a fingerprint check in connection with that application or permit.~~] Hawaii criminal justice data center pursuant to section 846-2.7. In the case of a joint application, the fee provided for in this section may be charged to each person to whom no previous permit has been issued.”

We recommend that the bill also be revised to include the following amendments:

Section 846-2.7, HRS, subsection (b) be amended to include the following (in pertinent parts):

“(b) Criminal history record checks may be conducted by: . . .

(41) The department of health or its designee on all license applicants, licensees, employees, contractors, and prospective employees of medical marijuana dispensaries, and individuals permitted to enter and remain in medical marijuana dispensary facilities as provided under sections 329D-15(a)(4) and 329D-16(a)(3);  
[~~and~~]

(42) The county police departments on applicants for permits to acquire firearms pursuant to section 134-2 and on individuals registering their firearms pursuant to section 134-3; and

~~[(42)]~~ (43) Any other organization, entity, or the State, its branches, political subdivisions, or agencies as may be authorized by state law.”

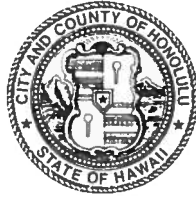
We urge the committee to pass this bill with the recommended amendments. Thank you for the opportunity to testify.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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LOUIS M. KEALOHA  
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MARIE A. McCAULEY  
CARY OKIMOTO  
DEPUTY CHIEFS

OUR REFERENCE RR-DNK

March 18, 2016

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 2954, S.D. 2, Relating to Firearms

I am Richard C. Robinson, Major of the Records and Identification Division of the Honolulu Police Department, City and County of Honolulu.

The HPD supports Senate Bill No. 2954, S.D. 2, Relating to Firearms.

Currently, a through background check is conducted on all applicants to acquire a firearm. However, once the initial background check has been completed, no further checks are conducted on the firearm owner once the permit has been issued. As a result, the county police departments have no way of knowing if a current Hawaii firearm owner has been convicted of crime in another state that would prohibit him or her from owning a firearm.

The proposed changes would allow county police departments to enroll new firearm applicants into the Rap Back program administered by the Federal Bureau of Investigation. The Rap Back program will provide a mechanism to alert the county police departments when the owner of a firearm is arrested for a criminal offense anywhere in the country. This notification will allow the county police departments to monitor the case and, upon conviction, evaluate if the firearm owner may continue to legally possess and own firearms.

This change will in essence provide an ongoing background check on firearm owners to determine their eligibility to own and possess a firearm.

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
March 18, 2016  
Page 2

This bill also addresses the need for the accurate and timely sharing of firearms registration information between the counties. Each county currently maintains its own firearms registration information, and there is no active mechanism for data sharing. As part of the Hawaii Criminal Justice Information System, which is managed by the Department of the Attorney General's Hawaii Criminal Justice Data Center (HCJDC), a firearms registration sharing module has been developed. However, under current law, the HCJDC is not allowed to view any of the data. This bill would allow the HCJDC to better assist the county police departments with the technology to accomplish the data sharing.

We suggest that page 3, line 14, be amended to read as follows:

Instant criminal background check system and conduct a criminal history record check pursuant to section 846-2.7.

Additionally, we suggest incorporating the changes to Section 134-2, Subsections (e) and (i) proposed in Senate Bill No. 2955, S.D. 1, Relating to Firearms, into this bill. This change would allow the county police departments to enroll both in-state firearm applicants as well as those individuals bringing firearms into the state into the Rap Back program.

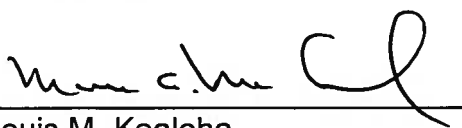
The Honolulu Police Department urges you to support Senate Bill No. 2954, S.D. 2, Relating to Firearms.

Thank you for the opportunity to testify.

Sincerely,

  
Richard C. Robinson, Major  
Records and Identification Division

APPROVED:

  
Louis M. Kealoha  
Chief of Police

**From:** mailinglist@capitol.hawaii.gov  
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**SB2954**

Submitted on: 3/15/2016

Testimony for JUD on Mar 18, 2016 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Frey	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**SB2954**

Submitted on: 3/16/2016

Testimony for JUD on Mar 18, 2016 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nancy Davlantes	Individual	Support	No

Comments:

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**SB2954**

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Testimony for JUD on Mar 18, 2016 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Isaacson	Individual	Oppose	No

Comments: Registration is actually a waste of time and resources. Law enforcement cannot cite cases where registration has prevented a crime or kept criminals from committing crime. The honest people who register don't have any expectation that they will show up as having a record. The dishonest criminals won't register, but they will get their guns by dishonest means. Adding more registration complexity is throwing good money after bad for little, if any, resultant increase in safety. Spend the money catching and convicting the people who are committing crimes.

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**SB2954**

Submitted on: 3/15/2016

Testimony for JUD on Mar 18, 2016 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
George Pace	Individual	Oppose	No

Comments:

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**SB2954**

Submitted on: 3/16/2016

Testimony for JUD on Mar 18, 2016 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

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