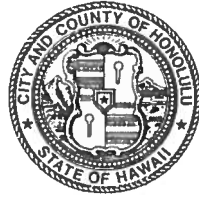


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE DN-DNK

March 12, 2020

The Honorable Clarence K. Nishihara, Chair
and Members
Committee on Public Safety, Intergovernmental,
and Military Affairs
State Senate
Hawaii State Capitol, Room 229
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Nishihara and Members:

SUBJECT: House Bill No. 2709, HD2, Relating to the Uniform Probate Code

I am David Nilsen, Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 2709, HD2, Relating to the Uniform Probate Code.


This bill requires an estate to notify its respective county police department of all firearms in an estate. The county police department shall then certify that all registered firearms and other firearms of which the police are notified of shall be properly transferred or disposed of in accordance with Chapter 134, Hawaii Revised Statutes.

Thank you for the opportunity to testify.

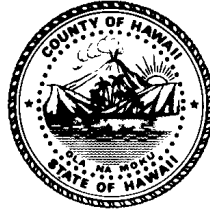
APPROVED:


Susan Ballard
Chief of Police

Sincerely,


David P. Nilsen, Major
Records and Identification Division

Harry Kim
Mayor



Roy Takemoto
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai‘i Office of the Mayor

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March 10, 2020

Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair
Committee on Public Safety, Intergovernmental and Military Affairs

Dear Chair Nishihara, Vice Chair Wakai, and Committee Members:

RE: HB 1902, HD2 Relating to Firearms, HB 2709, HD2 Relating to the Uniform Probate Code, HB 2736, HD1 Relating to Firearms Ammunition and HB 2744, HD1 Relating to Gun Violence Prevention

The First Amendment to the Constitution of the United States provides for freedom of religion, speech, and press; and the right to peaceably assemble and to petition the government. Yet, as fundamental and sacrosanct as those values are to America, few if any would argue that those freedoms are not subject to reasonable restrictions (take the cliché of “yelling ‘Fire’ in a crowded theater”).

Similarly, the Second Amendment guarantees the right to keep and bear arms. This right, too, must be subject to reasonable restrictions, or else we would each be able to have our own machine gun mounted on our mantelpiece or strapped over our shoulders.

So the question comes down to what is reasonable. That should be determined by a free people acting through their elected representatives, in this case our State Legislature. And given the times in which we live, and the carnage that we have witnessed both in our own state and across the country, I thank you for taking on the divisive but crucial task of deciding what reasonable restrictions might be.

HB 1902, HD2 would prohibit large capacity magazines for all firearms. They are already restricted for pistols, and HB 1902, HD2 might be the most important bill before you today, given the data on mass shootings that are set forth in the preamble of this bill. HB 1902, HD2 also is an admirable effort to come closer to the goal that both sides of the gun issue agree on—keeping weapons out of the hands of people who shouldn’t have them. Whether problems were manifest during childhood or adulthood should not matter.

March 10, 2019

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HB 2709, HD2 would close a loophole in ownership laws by requiring that all firearms in an estate are properly transferred or disposed of before the estate may close.

HB 2736 would regulate ammunition the same way firearms are regulated, and require the licensing of sellers of ammunition. It would seem that this proposal would be particularly valuable in the case of a firearm that is lost or stolen

HB 2744, HD1 would prohibit the assembly of a gun that would not have a serial number (a "ghost gun") and mandate a serial number for firearms brought into Hawai'i that do not already have one. It also would establish a Commission that could issue policy reports relating to preventing gun violence and violent crimes. Public policy thrives when based on good data and research.

Can any of the restrictions contained in these four bills be considered unreasonable? I have no doubt that some will say yes, but I would argue that all of these bills would make Hawai'i a safer place without unduly restricting the right to keep and bear arms.

Again, thank you for taking on these issues.

Respectfully Submitted,

A handwritten signature in black ink that reads "Harry Kim". The signature is written in a cursive, flowing style.

Harry Kim
MAYOR

HB-2709-HD-2

Submitted on: 3/9/2020 10:48:36 PM

Testimony for PSM on 3/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Veray	Individual	Support	No

Comments:

Although I am Chair for the Pearl City Neighborhood Board No. 21; I am submitting my support as an individual.

HB-2709-HD-2

Submitted on: 3/10/2020 12:27:54 PM

Testimony for PSM on 3/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ellen Godbey Carson	Individual	Support	Yes

Comments:

I support this bill as common sense gun reform to help make our community safer. Persons who are responsible for an estate that includes firearms should be required to give notice to the police department so that all appropriate measures can be taken to account for and safeguard those firearms. Often, family members or other personal representatives have no knowledge of the proper means of securing firearms and ammunition, and the result may be to leave these weapons in places where they can do great harm. This will also help our police keep account for when weapons are transferred to others, to assure that anyone who acquires the firearms will have proper permits and training for them, as well as appropriate background checks.

HB-2709-HD-2

Submitted on: 3/10/2020 12:44:52 PM

Testimony for PSM on 3/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard W. Adams	Individual	Oppose	No

Comments:

I do not support HB 2709 HD2, and similar bills and I ask that you discontinue support for this and similar bills. The bill proposed adds so much unwarranted restriction for the ownership of firearms acquired through an estate. The level of regulation is unnecessary, overly restrictive and adds significantly to the cost for the citizen to now pay for a third party to liaison between estate personal and police department personnel. This bill, if passed, has the potential to criminalize law abiding citizens who simply, by verture of a family member's death, inherit firearms. This bill is just another method of mandating registration so as to enable confiscation thereby stomping upon citizens 2nd Amendment Rights.

I believe that each individual that supports this and similar bills believes doing anything is better than doing nothing when it comes to public safety... but, continuing to impose more restrictions and additional burdensome costs on the law abiding citizens is not the way to accomplish improvements in public safety.

I ask that you, as a representative of law abiding citizens, stop drafting bills that only penalize law abiding citizens and focus your efforts to support law enforcement agencies enforce current laws and penalties.

Vote "NO" on HB 2709, HD2 and similar bills. Thank you, Richard Adams

HB-2709-HD-2

Submitted on: 3/10/2020 4:46:29 PM

Testimony for PSM on 3/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Fukuzawa	Individual	Oppose	No

Comments:

Dear Honorable Legislative Members,

I oppose this bill. We don't have enough personnel or a way to check on all the people who have passed away to insure family members do the right thing. I believe this law has to be rethought out, and though I feel for the officers who were killed recently, I think we have to come up with a better way to alleviate this issue. I am just not sure how to fix this. And what do we do with people who may have unregistered weapons that were obtained way before the laws required registration. Some family members may not even know that a family member has guns. Then what do you do especially, if they don't discover it until several years later when they clean up a home after another family member passes on. Again, this was a reactionary bill, and not thought all the way through.

Thank you for your time and consideration in this matter.

David Fukuzawa

HB-2709-HD-2

Submitted on: 3/11/2020 10:14:37 AM

Testimony for PSM on 3/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Clifford Goo	Individual	Oppose	No

Comments:

Dear PSM Chair and Committee Members,

HB2709 regarding notification by a personal representative of firearms in an estate when the person becomes deceased is another bill born out of emotions. It seems this bill was ripe for introduction after the terrible and unfortunate tragedy at Diamond Head. There are already requirements for this type of situation when someone dies and leaves firearms to the surviving family members. They either assume ownership after going through the permitting process or surrender the firearms to the Police.

Even the Police Dept. has concerns about this bill in regards to making them the ones that need to certify that all firearms in the estate have been accounted for. If anything, education on estate planning to include firearms is sufficient in itself.

Respectfully,

Clifford Goo

HB-2709-HD-2

Submitted on: 3/11/2020 1:27:08 PM

Testimony for PSM on 3/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
William DeLuca	Individual	Oppose	No

Comments:

HB2709 would have had no impact on the tragic events cited in its opening paragraphs. The insane man, who had been previously reported as a violent individual, stole guns from the landlord's wife who acquired those firearms legally upon her husband's death, as she would have even with the passage of this bill. To use such a horrific situation as an excuse to impose gun control measures targeting the overwhelming number of law-abiding gun owners is political cynicism at its worst.

In fact, the case highlights why it is imperative for the Legislature to focus on passing laws that identify and punish actual criminals, rather than harassing law-abiding citizens with measures such as this that only serve to get the state further involved in one of the most personal aspects of our lives. Do we really expect the police departments to be yet another layer of the excruciating government bureaucracy involved in every estate transfer? Shouldn't cops be chasing bad guys?

LATE

HB-2709-HD-2

Submitted on: 3/11/2020 5:11:58 PM

Testimony for PSM on 3/12/2020 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Philip T. Rapoza	Individual	Support	No

Comments:

HB-2709-HD-2

Submitted on: 3/11/2020 11:54:20 PM

Testimony for PSM on 3/12/2020 1:30:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Fred Delosantos	Individual	Oppose	No

Comments:

Please oppose HB2709. This amounts to unnecessary meddling in deceased's estate affairs. Hawaii's existing laws already provide for firearms transfer process. This only adds more red tape and bureaucracy to an already-difficult experience for survivors of deceased. Very insensitive to bereaved persons' feelings.