



HB2632 HD2

Measure Title:	RELATING TO FIREARMS.
Report Title:	Firearms Disqualification; Mental Illness; Police
Description:	Requires firearms owners who have been disqualified from owning a firearm and ammunition due to mental illness, including emergency hospitalization, to immediately surrender their firearms and ammunition to the Chief of Police. (HB2632 HD2)
Companion:	
Package:	None
Current Referral:	PSM, JDL
Introducer(s):	TAKAYAMA (Introduced by request of another party)

TESTIMONY OF THE HAWAI`I POLICE DEPARTMENT

HOUSE BILL 2632, HD2

RELATING TO FIREARMS

BEFORE THE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL,
AND MILITARY AFFAIRS

DATE : Thursday, March 17, 2016

TIME : 1:45 P.M.

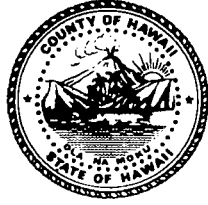
PLACE : Conference Room 229
State Capitol
415 South Beretania Street

PERSON TESTIFYING:

Police Chief Harry S. Kubojiri
Hawai`i Police Department
County of Hawai`i

(Written Testimony Only)

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

349 Kapi'olani Street • Hilo, Hawai'i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

March 14, 2016

Senator Clarence K. Nishihara
Chairperson and Committee Members
Committee On Public Safety, Intergovernmental, and Military Affairs
415 South Beretania Street, Room 229
Honolulu, Hawai'i 96813

Re: House Bill 2632, HD2 Relating To Firearms


Dear Senator Nishihara:

The Hawai'i Police Department supports House Bill 2632 HD2, Relating to Firearms. The purpose of this Bill is to require firearms owners who have been disqualified from owning a firearm and ammunition due to mental illness, including emergency hospitalization, to immediately surrender their firearms and ammunition to the Chief of Police.

The Hawai'i Police Department while being respectful of the rights of gun owners is aware of the havoc and harm that a person who may have a mental illness can cause to themselves and others with a firearm.

It is for this reason we support this proposed legislation. Thank you for allowing the Hawai'i Police Department to provide comments relating to House Bill 2671, HD2.

Sincerely,


HARRY S. KUBOJIRI
POLICE CHIEF

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honoluluupd.org

KIRK CALDWELL
MAYOR



LOUIS M. KEALOHA
CHIEF

MARIE A. MCCAULEY
CARY OKIMOTO
DEPUTY CHIEFS

OUR REFERENCE RR-DNK

March 17, 2016

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

Dear Chair Nishihara and Members:

SUBJECT: House Bill No. 2632, H.D. 2, Relating to Firearms

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

The HPD supports House Bill No. 2632, H.D. 2, Relating to Firearms.

Section 334-59 of the Hawaii Revised Statutes presently allows the police to recover the owner's firearms upon notification by the gun owner's treating physician or upon an emergency mental health hospitalization.

The proposed change does not provide any additional authority to the police; it merely allows the police to take protective action by recovering the firearm immediately instead of having to wait thirty days.

Currently, even in the most volatile situations, county police officers are prohibited from immediately recovering a firearm from an owner who is suffering from mental illness. The owner of the firearm has to be sent a notification to surrender their firearm via registered mail. The owner then has 30 days to voluntarily surrender or transfer the firearm.

The Honorable Clarence K. Nishihara, Chair
and Members
Committee on Public Safety,
Intergovernmental, and Military Affairs
March 17, 2016
Page 2

The HPD urges you to support House Bill No. 2632, H.D. 2, Relating to Firearms.

Thank you for the opportunity to testify.

Sincerely,


Richard E. Robinson, Major
Records and Identification Division

APPROVED:


Louis M. Kealoha
Chief of Police



Institute for Rational and Evidence-based Legislation

P. O. Box 41

Mountain View, Hawaii 96771

March 14, 2016

Chair, Vice Chair, and Members of the COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL, AND MILITARY AFFAIRS,

Please permanently defer and defeat HB2632.

As much of the other testimony makes clear, one significant problem with this proposed law is that citizens' rights to due process are not adequately protected. There is no provision that a person is rendered a "prohibited person" via a process that includes the right to legal representation or the determination that a person is "prohibited" "beyond a reasonable doubt". What other rights may be denied law-abiding citizens by such a lack of Constitutional protections? This proposed law fails on those considerations alone.

Further, looking into just a few of the details of the proposed law, one discovers that a person could be denied their Constitutionally-guaranteed rights based solely upon the "oral application of... any state or county employee in the course of employment". Haw. Rev. Stat. § 334-59 as referenced in HB2632. Really? Since when does the county employee at the transfer station telling someone they have to take their old bed frame to the metal recycling bin rather than placing it in the general trash bin have the expertise or requisite training to determine that someone is "obviously ill"? That's preposterous. You may think I am joking or being facetious, but I'm not. I witnessed such an incident at the transfer station just a few days ago, and the "discussion" between the county employee in the course of employment" turned into a rather high volume "argument". Perhaps that "county employee in the course of employment" may have believed at that moment that the citizen was "obviously ill" or perhaps "dangerous to self or others". Would that be sufficient grounds to have a law-abiding citizens firearms confiscated by the government? With no right to legal counsel a judge could issue such a confiscation order based solely upon the county employee's oral recommendation. That would be possible if HB2632 were enacted.

This bill also does not provide for any assurance that once a false or incorrect or mistaken or outdated accusation has resulted in the confiscation of a citizen's firearms and/or ammunition, that upon clearance of the charge that the firearms/ammunition will be returned at all, nor in a timely manner. I refer you to the testimony of the Honolulu Police Department itself submitted to this committee. Note that the language used by Honolulu PD is "Once the firearm owner is medically cleared, their firearm *could* be returned to them [my emphasis]." Why wouldn't the Honolulu PD write "would be" or "shall be" returned to them? Or better yet "would be returned to them within 24 hours"? One has to wonder about the choice of words given the Honolulu PD's long history of denying law-abiding citizens other rights regarding firearms (zero CCW licenses issued in 16 years, illegal revocation of permit and confiscation of firearm by legal resident alien, etc.).

Finally, please also note that this bill states that "(e) The chief of police of the respective counties shall

adopt procedures to implement and administer the provisions of this section by December 31, **2001**." "

Given the above, and all the other reasons mentioned in other testimony, please permanently defer and/or defeat HB2632.

Thank you,
George Pace

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To: [PSMTestimony](#)
Cc: dreid@nrahq.org
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Tuesday, March 15, 2016 10:27:19 AM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Reid	NRA	Oppose	No

Comments: - NRA is opposed to HB 2632 because it would expand the list of possible prohibited possessors to include anyone who has undergone or is undergoing emergency hospitalization. This expansion for emergency hospitalization is vague and could entrap a person who has suffered something as common as diabetic shock to suddenly lose their Second Amendment rights, without due process of the law, simply for receiving care. Additionally under this bill, individuals are required to surrender firearms immediately, or else law enforcement may seize firearms, all without due process.

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Cc: danandsheryll@live.com
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Wednesday, March 16, 2016 7:32:16 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dan Clegg	Valley Isle Sport Shooters Club Inc. (non-profit)	Oppose	No

Comments: Aloha Chair, We strongly oppose this bill due to the lack of due process. Please oppose this bill.

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HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
James Revells	Valley Isle Sport Shooters	Oppose	No

Comments: Strongly opposed.

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HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Support	No

Comments: Common sense.

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HB2632

Submitted on: 3/14/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Isaacson	Individual	Oppose	No

Comments: People with mental illness deserve due process as does any citizen, and the various reasons why someone might wind up subject to loss of a basic civil right should be reviewed before the right is lost. This bill should also provide for the disposal of firearms in legal fashion that will not affect the individual adversely. Firearms, aside from their practical value, often have high market values, and the inequity of the loss that one individual might sustain when owning several high-value firearms as opposed to someone with a single run of the mill firearm means that this bill would be fining one individual more than another, an obvious equal protection problem.

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Date: Monday, March 14, 2016 5:24:49 PM

HB2632

Submitted on: 3/14/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Gavin Lohmeier	Individual	Oppose	No

Comments:

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HB2632

Submitted on: 3/14/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Brendon Heal	Individual	Oppose	No

Comments: I strongly oppose this bill. This will allow people's rights to be forcefully surrendered with no due process of law. Firearms would be confiscated at the mere arbitrary disqualification. There has been many instances this past year of many many people wrongfully disqualified for firearms permits because of a 'misunderstanding' between Kaiser healthcare and HPD. Every one of these people would have to be forced to surrender all firearms and stripped of their rights to self protection. This is unacceptable. The problem of MENTAL HEALTH needs to be addressed, NOT firearms ownership. Legislators, please work on that issue. Not 2nd Amendment RIGHTS. Thank you.

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Date: Monday, March 14, 2016 6:02:16 PM

HB2632

Submitted on: 3/14/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Walter Kanemori	Individual	Oppose	No

Comments:

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Date: Monday, March 14, 2016 6:14:00 PM

HB2632

Submitted on: 3/14/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Gordon Fowler	Individual	Oppose	No

Comments: All concerned I am asking you all to consider carefully and then vote against this measure. A no vote is a vote for civil rights. While on the surface it seems like a good idea, the wording is far too ambiguous and may have unintended consequences. For example what kind of "emergency hospitalization" is cause for firearm confiscation? Yes that is what it is, Confiscation. Is it a mental issue or simply a case of diabetic shock that seems that way?, A simple epileptic episode? The bill does not specify. Where is the due process? It is seize first, ask questions later, and getting a firearm back that has been taken by Law Enforcement even by mistake is extremely problematic. More thought must be given to the specifics, before this brought up again it must be re-written and clarified. People's rights are not to be violated without due process. Thank you and Aloha Gordon Fowler

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HB2632

Submitted on: 3/14/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Carlo Barbasa	Individual	Oppose	No

Comments:

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Date: Monday, March 14, 2016 10:00:38 PM

HB2632

Submitted on: 3/14/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Quentin Kealoha	Individual	Oppose	No

Comments: Oppose.

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Date: Tuesday, March 15, 2016 8:23:31 AM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Phil Yoneshige	Individual	Oppose	No

Comments:

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Date: Tuesday, March 15, 2016 9:13:29 AM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin	Individual	Oppose	No

Comments: Although this bill appears to make sense, it may violate the 14th Amendment (deprive a person of property without due process). Should an individual (e.g., doctor, police officer) make an err in judgement, the government and consequently public will pay the price of criminal or civil liability. As such, I strongly oppose this bill as written and encourage you to do the same. Thank you for your consideration.

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Date: Tuesday, March 15, 2016 10:40:50 AM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Walker	Individual	Oppose	No

Comments: OPPOSE - This bill does not allow for due process. This expansion for "emergency hospitalization" is very vague and could entrap a person who has suffered something as common as diabetic shock to suddenly lose their Second Amendment rights, without due process of the law. Do not vote for this bill.

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Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Tuesday, March 15, 2016 11:13:19 AM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Michael A. Wee	Individual	Oppose	No

Comments: I strongly OPPOSE this bill. This is the wrong approach to "gun control." The result will be the opposite of the bill's intent. Gun owners will be discouraged from seeking psychiatric services, for fear of this "hair trigger" provision and its consequences.

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Hawaii State Legislature
State Senate
Committee on Public Safety, Intergovernmental and Military Affairs

State Senator Clarence K. Nishihara, Chair
State Senator Will Espero, Vice Chair
Committee on Public Safety, Intergovernmental and Military Affairs

Thursday, March 17, 1:45 p.m. Room 229
House Bill 2632 HD 2 Relating to Firearms

Honorable Chair Clarence K. Nishihara, Vice Chair Will Espero, and members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs,

My name is Russel Yamashita and I am licensed attorney in private practice. I appreciate the opportunity to testify in opposition of House Bill 2632 HD 2 Relating to Firearms. In reviewing this legislation, there appears to be a fundamental lack of concern for basic constitutional rights.

This proposed law would give the police department the authority to seize firearms for an individual without due process. Though I am not a constitutional lawyer, there seem to be a lack of understanding that any taking of property requires at least a minimal constitutional scrutiny by a court of law to assure that no miscarriage of justice takes place. After all, one of the fundamental reasons the United States fought for independence was to prevent the British from search and seizure of property without a warrant. This law would essentially create a “no-knock” warrantless seizure law. Contrary to the Honolulu Police Department’s (HPD) interpretations of the law, I still believe that purpose of the Hawaii Judiciary was to provide some basic constitutional protections for its citizens and not allow the HPD to act like the Russian Secret Police.

Additionally, if the police department were to use as the basis for the seizure of property of any kind the medical opinion of a doctor, the liability of the doctor issuing such an opinion would in question. The doctor could be sued by his patient if another doctor disagreed with the opinion. That liability would extend to the county governments as well, if the seizure is found to be without merit or subject to dispute. So as a suggestion, to prevent any potential liability to any doctor rendering an opinion or the police department making an error, the law should also provide for immunity from civil and criminal liability for them. After all, if the doctor or the police make a mistake, the healthcare industry or the public should not have to pay the price for malpractice or an error in judgment.

In conclusion, I would strongly suggest that this committee hold this bill for its numerous defects and its lack of common sense.

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Cc: punx8o8@gmail.com
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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
James	Individual	Oppose	No

Comments: This is a major violation of the second amendment of the constitution which state officials are supposed to uphold

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
steven a kumasaka	Individual	Oppose	No

Comments:

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Michael W Sawamoto	Individual	Oppose	No

Comments:

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Layne Hazama	Individual	Oppose	No

Comments:

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Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony	Individual	Oppose	No

Comments:

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Smith	Individual	Support	No

Comments: It's good Hawaii is addressing the mentally ill and suicidal persons who should not be able to purchase, own or possess firearms. Too many firearm crimes are being committed by mentally ill persons who have not been identified or have been identified but not treated properly in the system. Thank you. Sincerely, Gary Smith

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Trent	Individual	Oppose	No

Comments:

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Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Tuesday, March 15, 2016 6:35:21 PM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Arden Torcuato	Individual	Oppose	No

Comments: I am for due process, not for HPD bullying, should be ordered by a judge or some sort of judiciary process.

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Cc: geli.bean@yahoo.com
Subject: *Submitted testimony for HB2632 on Mar 17, 2016 13:45PM*
Date: Tuesday, March 15, 2016 6:38:00 PM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Castro	Individual	Oppose	No

Comments:

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Date: Tuesday, March 15, 2016 6:38:59 PM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Kellam	Individual	Oppose	No

Comments:

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Cc: refrey2001@yahoo.com
Subject: *Submitted testimony for HB2632 on Mar 17, 2016 13:45PM*
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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Frey	Individual	Oppose	No

Comments:

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Goldie Cross	Individual	Oppose	No

Comments: The bill language in the present draft is unclear as to whether a judge's order is required to seize guns. I am STRONGLY OPPOSED unless the bill is amended to specify that a court order must be obtained for the hospitalization before firearms can be seized, as required under the 2nd and 4th Amendments and Hawaii State law: capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0334/HRS_0334-0061.htm

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Cc: d.benjamin.reeder@gmail.com
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Tuesday, March 15, 2016 7:10:06 PM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Davis Benjamin Reeder	Individual	Oppose	No

Comments: As currently written, the bill does not provide due process. A court order should be required.

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Hampton	Individual	Oppose	No

Comments:

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

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

Comments:

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Julie Folk	Individual	Oppose	No

Comments: This bill must be defeated as it destroys my Constitutional rights at the State and Federal level to Due Process. I strongly oppose this attempt to usurp my Due Process rights.

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Greg Fujinaka	Individual	Oppose	No

Comments:

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Keola	Individual	Oppose	No

Comments:

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Galli	Individual	Oppose	No

Comments: Two words: "due process."

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Cc: jkjworld@yahoo.com
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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jeffrey Chang	Individual	Oppose	No

Comments:

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HB 2632: Seizure of guns for involuntary hospitalization.

So if i'm not as cooperative with a law enforcement officer as he would like, he can contact a couple of government persons and have the right to confiscate my firearms immediately, even though firearms are not the reason for the situation. no good reason. NO due process.

If I'm subject to emergency treatment or hospitalization, I obviously cannot use my firearms. Not an "emergency" to confiscate.

Several provisions of section 334-59 are held to violate FOURTEENTH Amendment due process rights.

HB2632 HD2 further violates due process.

Please vote NO

Mahalo

John Mack

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Cc: ncote@hawaii.rr.com
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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Normand A Cote	Individual	Comments Only	No

Comments: Aloha Senator Hishihara and PSM Committee Members, As an law abiding gun owner in Hawaii, the last thing I want is a mentally disabled person to have a gun. We all agree on that!! However we are a country and state of laws. We have a constitution for our country to follow to protect our citizens from government outreach. We as a people must protect these rights for all our people. If someone is deemed mentally disabled, let a judge or court conclude that. We cannot allow HDP officers, who are people and they have bad days. State psychologist who have personal views and may be concerned about getting sued, or even Emergency Room doctors. None of these groups of people have any right to violate our/my constitution rights. You must allow due process of the law before anyone decides to violate our constitution rights. Not states right, but the United Sates Of America Constitutional rights. You must provide the due process in HB 2632. Myself and fellow law abiding citizens STRONGLY OPPOSED HB 2632, unless the bill is amended to specify that a court order must be obtained for the hospitalization before firearms can be seized, as required under the 2nd and 4th Amendments and Hawaii State law. Please remember the violation of current Hawaii law too. Thank you for your time. Respectfully, Normand A Cote Law Abiding Citizen

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Genovese	Individual	Oppose	No

Comments: Please you are not Dr's stick with what you know, building parking lots.

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen Forster	Individual	Oppose	No

Comments:

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Date: Tuesday, March 15, 2016 9:17:52 PM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Okuda	Individual	Oppose	No

Comments:

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Date: Tuesday, March 15, 2016 9:20:45 PM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen T Hazam	Individual	Oppose	No

Comments: Please OPPOSE HB2632 unless significantly amended. As currently written this would allow the seizure of firearms without due process. No rights guaranteed by the US Constitution should be infringed without a judicial process. I support denying firearms to criminals and those adjudicated as mentally disqualified. HB2632 does not do this. Please OPPOSE HB2632.

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
WILLIAM MURPHY	Individual	Oppose	No

Comments: I am writing in opposition to passage of this bill as currently written due to the absence of a specified requirement that a court order is mandatory in order to conduct the seizure of legal weapons from citizens. Thank you for considering this statement of opposition to this measure.

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Cecil E. Haverty	Individual	Oppose	No

Comments:

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Date: Tuesday, March 15, 2016 9:26:22 PM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Robert	Individual	Oppose	No

Comments: I've looked the bill over and the bill language in the present draft is unclear as to whether a judge's order is required to seize guns. There is no due process and simply strips someone of their Constitutional Rights. Unless the bill is amended to specify that a court order must be obtained for the hospitalization before firearms can be seized, as required under the 2nd and 4th Amendments and Hawaii State law(check HRS 0334-61), this bill should not go any further.

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Date: Tuesday, March 15, 2016 9:31:34 PM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Lau	Individual	Oppose	No

Comments: Bill needs to be amended to specify that a court order must be obtained for hospitalization before firearms can be seized, as required under the 2nd and 4th Amendments and Hawaii State law.

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March 16, 2016

To the Honorable Chairman Senator Clarence Nishihara

I am writing concerning HB 2632 relating to firearms. I was denied firearm registration a few years ago here in Hawaii because I was placed in the NICS database for an incident which occurred in 1991 in Los Angeles, California where I used to live. The Brady Bill had not yet been passed by Congress but I was retroactively placed in the NICS database without my knowledge or consent once the bill was passed. A mistake was made by the hospital involved in a psychiatric hospitalization which should have cleared me from any mental issues. The court came into the hospital and decided I should be released prior to certification. The hospital reported to the State of California before and not after my release which was an error. The documentation relating to my release has been lost by the agency responsible for keeping a record of it. I went to great lengths of trying to retrieve it but records for 25 years ago in this case may be lost or removed.

I am unable to defend myself or family with a firearm permanently due to this error. The agency responsible (State of California) for placing me in the NICS database has refused to withdraw my placement on it despite my appeals to them and NICS. This has not only cost me my 2nd Amendment rights but prevented me from getting a career in law enforcement. I have been certified by a medical doctor licensed in the State of Hawaii that I have no mental issues. This was not sufficient for the HPD (Honolulu Police Department) firearms registration office to allow me to register a firearm. This bill HB 2632 would continue the unfair and un-Constitutional laws which have been used against me. I am absolutely sure that many others have been unfairly processed in this system as well. This system has not made anyone safer here in Hawaii. It has had the opposite effect instead. People are unable to defend themselves, their homes and businesses, or their families against gangs and criminals. Gangs and criminals do not obey the law. Legislating against everyone does not prevent criminals or gangs from committing crimes. It only prevents law abiding citizens from exercising their Constitutional rights.

This body should not be in the process of incrementally taking rights away from citizens. The most grievous thing about this bill is that it circumvents due process in violation of the US Constitution's 2nd Amendment. On the face of it the bill seems to make sense but what about situations where people have been victimized by the bureaucratic process? What about cases where a person is healed after having a psychotic incident? What about mistakes made by employees of a hospital or government? Nameless and unelected government officials refuse to correct their mistakes and are unaccountable to the people. At the very least a judge should be the intermediary for deciding and/or restricting our rights under the law. Please do not pass this irresponsible and reckless bill. I believe you should make your time worthwhile by repealing bills such as these and implementing the spirit and letter of the law in our US Constitution for the people of Hawaii. Thank you.

Sincerely,

Larry Fenton

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To: [PSMTestimony](#)
Cc: lfenton@hawaii.rr.com
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Thursday, March 17, 2016 3:18:38 PM

HB2632

Submitted on: 3/17/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Fenton	Individual	Oppose	Yes

Comments: HB 2632 Happy St. Patrick's Day Larry Fenton Legislators who spend their time writing bills addressing laws already on the books - 2nd Amendment The 2nd Amendment doesn't state that legislators are correct to ban certain types of weapons, certain types of ammo or certain people from bearing a firearm. The founding fathers said just the opposite. That the right to keep and bear arms shall not be infringed. I believe the Bill of Rights means what it says and hold my legislators to a higher degree of responsibility to enforce already existing laws and not to change or legislate against those laws unless the people decide to fundamentally change our US Constitution. The right to keep and bare arms was not included in the Constitution exclusively so we could go hunting. It was left to the people to decide at what point would they have to defend themselves against a tyrannical government. Those of Japanese/American decent are particularly aware of how tyrannical our government can become. Japanese internment camps may have been a few generations ago but may become FEMA camps enforced with UN troops on our soil in the near future. If you were no longer a legislator wouldn't you want the right to defend yourself and family from having to go to such a camp? Would you go as sheep to the slaughter? I think not. Please vote against this bill because of its lack of due process and unconstitutionally. Thank you.

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Durkin	Individual	Oppose	No

Comments: Do not approve this unless the bill is amended to specify that a court order must be obtained for the hospitalization before firearms can be seized, as required under the 2nd and 4th Amendments and Hawaii State law

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HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dean Matsui	Individual	Oppose	No

Comments: Laws are only effective if they work, this law is an emotional reaction designed to legislate behavior. The spirit of the law states that if someone is declared mentally or medically unsafe, they must surrender their arms and if not they will be confiscated. If someone is mentally unstable this law expects them to be compliant or sensible to turn in their arms so they will not hurt themselves or anyone else. If they could make a sensible judgement than how unstable are they? And what are the qualifications of those who decide who is stable or unstable? A general physician or nurse, perform a single psych rotation during med school, they are not qualified to make a determination of someone's mental state which is why they have to request a psych consult. That is this bill's first problem, and the second is that it allows for a single medical practitioner to make this determination. In my experience alone, I have seen several medical practitioners not only make a bias judgement based off of a personal belief system. That is exactly the overreach of authority good men feared when they envisioned this country. If you this legislature wishes to directly step on the rights of citizens there must be due process. Let a judge hear from medical professionals, let them meet the person they are saying is a threat and let the judge determine how long the citizens fire arms while be held and have a process to reclamation. The person being asked to forfeit their arms has thirty days to do so, if someone wanted to do harm to themselves or others, it'll happen well within that time. This bill regulates behavior and you can't do that without overreaching the bounds of the government. What do you hope to achieve? Guns make up a small number of murders in the US, honestly, mass murders make up a small amount of those killings. People want to be safe, so someone proposed a bill to help them sleep at night. It won't help because of someone is truly unstable they will NOT follow these laws. If someone wishes to do harm they don't need a gun, mass murders in China and the U.K. have involved knives. Bad people will always find ways to do terrible acts. This law is an emotion response to tragedies and this law will not stop unstable people from doing harm. It will waste time and money to help scared people sleep at night.

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Date: Tuesday, March 15, 2016 9:57:54 PM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kimo Gugudan	Individual	Comments Only	No

Comments: I strongly oppose this bill.

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Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Tuesday, March 15, 2016 9:59:31 PM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Roger Lukas	Individual	Oppose	No

Comments: Does not protect 2nd Amendment rights with due process

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Cc: dreaded8s@yahoo.com
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Tuesday, March 15, 2016 10:09:46 PM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Lance Seiki Higa	Individual	Oppose	No

Comments: I oppose this bill. As written, it allows unlawful confiscation of private property without due process. The definition of mental illness is not specified nor is there specification on who determines that property be seized. We already have strict firearms laws here in Hawaii. We do not need more.

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Cc: mamalukino@msn.com
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Tuesday, March 15, 2016 10:21:59 PM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Riley	Individual	Oppose	No

Comments: But where's the due process? The bill language in the present draft is unclear as to whether a judge's order is required to seize guns. HPD thinks they won't need one. I am **STRONGLY OPPOSED** unless the bill is amended to specify that a court order must be obtained for the hospitalization before firearms can be seized, as required under the 2nd and 4th Amendments and Hawaii State law: capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0334/HRS_0334-0061.htm

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Cc: edwincr@hawaii.edu
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Tuesday, March 15, 2016 10:30:17 PM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Edwin J. Colon	Individual	Oppose	No

Comments: Strongly opposed

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Cc: koryohly@outlook.com
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Tuesday, March 15, 2016 10:35:01 PM

HB2632

Submitted on: 3/15/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kory Ohly	Individual	Oppose	No

Comments: I oppose HB2632. The bill does not protect against confiscation of firearms without due process, and that makes the bill unacceptable. You'd be violating the 2nd and 4th amendments. If you have a reason to lock up the individual, make an arrest & have a trial. Otherwise leave them alone and respect their rights. If you think a person should be free but is unqualified to own firearms, get a court order.

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Cc: rdaniel2@sbcglobal.net
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Wednesday, March 16, 2016 1:34:47 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Daniel MD	Individual	Oppose	No

Comments: Due process is circumvented by this bill, unless there is a court order for the hospitalization.

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Cc: ryana@hawaii.rr.com
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Wednesday, March 16, 2016 5:38:48 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Arakawa	Individual	Oppose	No

Comments: STRONGLY OPPOSED unless the bill is amended to specify that a court order must be obtained for the hospitalization before firearms can be seized, as required under the 2nd and 4th Amendments and Hawaii State law.

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To: [PSMTestimony](#)
Cc: russell.takata@yahoo.com
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Wednesday, March 16, 2016 6:42:14 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Russell Takata	Individual	Oppose	No

Comments: I STRONGLY OPPOSE this bill. There is no due process.

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Cc: kjcole52@yahoo.com
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Wednesday, March 16, 2016 6:54:02 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin J. Cole	Individual	Oppose	No

Comments: Aloha, HB2632 as written ignores proper Due Process. As written it is ambiguous as to whether a Court order or just suspicion by the Police Dept can initiate the seizure of firearms (i.e. private property). Unless the language is clarified to require only an Order by a Judge, this Bill goes to far in its purpose. Mahalo, Kevin J. Cole, Col USAF Ret. Mililani

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To: [PSMTestimony](#)
Cc: susan.mulkern@gmail.com
Subject: *Submitted testimony for HB2632 on Mar 17, 2016 13:45PM*
Date: Wednesday, March 16, 2016 7:34:20 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Shaheen Mulkern	Individual	Oppose	No

Comments:

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Cc: kevinjmulkern@gmail.com
Subject: *Submitted testimony for HB2632 on Mar 17, 2016 13:45PM*
Date: Wednesday, March 16, 2016 7:35:09 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Mulhern	Individual	Oppose	No

Comments:

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Cc: honolua79@gmail.com
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Wednesday, March 16, 2016 8:03:16 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jason	Individual	Oppose	No

Comments: I Strongly OPPOSE This Bill, Please Do Not Pass!

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Subject: *Submitted testimony for HB2632 on Mar 17, 2016 13:45PM*
Date: Wednesday, March 16, 2016 8:09:24 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Arnold	Individual	Oppose	No

Comments:

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Cc: ehkaneshiro@gmail.com
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Wednesday, March 16, 2016 8:10:29 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Kaneshiro	Individual	Oppose	No

Comments: As a fellow resident of Hawaii, I urge you to please oppose House Bill 2632. This bill would expand the list of possible prohibited possessors of firearms and could cause a person who has suffered something as common as diabetic shock to suddenly lose their Second Amendment rights, without due process of the law, simply for receiving care.

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Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Wednesday, March 16, 2016 8:13:51 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Myron Hoefer	Individual	Oppose	No

Comments: Please amend this bill to require a judicial order before police action. No one in this state should be deprived of any civil right by police action alone! Thank you.

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To: [PSMTestimony](#)
Cc: jonagustine_lim@yahoo.com
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Wednesday, March 16, 2016 8:15:00 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jonagustine Lim	Individual	Oppose	No

Comments: I oppose this bill.

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Aloha Mr./Ms.

I have never before submitted testimony regarding any bill prior to this occasion. However, the gradual erosion of our 2nd amendment rights via legislation is very troubling to me. While HB2632 would on the surface seem like common sense legislation, I have serious concerns about the qualifications for seizure. Will there be some type of opinion by a medical board that will determine if the seizure of firearms is justified. The verbiage for the qualification needs clarification and more specificity to be constitutionally sound. If the firearm owner is later deemed "cured", would that entitle the owner to reclaim his/her property? After all, even in the case of a felony DUI, a citizen is eventually given back the privilege of operating a motor vehicle. Please do not pass this bill as currently worded, but do modify and resubmit once the criteria for seizure is more well defined. I understand your need to maintain public safety but this should not come at the cost of our constitutional rights.

Patrick F. Uza

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: derr_22@yahoo.com
Subject: *Submitted testimony for HB2632 on Mar 17, 2016 13:45PM*
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HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
derrick recaido	Individual	Oppose	No

Comments:

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Cc: johnjanece@gmail.com
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Wednesday, March 16, 2016 8:56:28 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
JOHN J ESTRELLA	Individual	Oppose	No

Comments: I oppose HB2632

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Barry Aoki
761 Paunau Street
Lahaina, HI 96761

March 16, 2016

OPPOSE HB2632

I am writing in opposition to this proposed bill.

This bill, as written, is unlawful as no court order is required for a person to be disqualified from gun ownership or possession. HRS 334-61 provides for due process.

Please oppose this bill as it is written.

Thank you very much.

A handwritten signature in black ink, appearing to be 'Barry Aoki', with a stylized, cursive script.

Barry Aoki

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To: [PSMTestimony](#)
Cc: cvaldez001@hawaiiintel.net
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Wednesday, March 16, 2016 9:05:04 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Cory Lee Valdez	Individual	Oppose	No

Comments: I strongly oppose!!!!

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Cc: kailuanokaoi@msn.com
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Wednesday, March 16, 2016 9:17:22 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jay Pahed	Individual	Oppose	No

Comments: Aloha, yes I am a member of the Honolulu Rifle Association and testifying on my behalf. This proposed law. Due process should be a mandate under our Constitutiona Rights and not leave the decision in one body of government who many times do not properly Police their own. For example the recent Major who was to be promoted to Major and has a felony conviction for terroristic threatning a family member. We cannot allow one body of government to make this decision and this is why we have a court system and a court order must a court order before firearms is seized. I also personally know of a person who's firearms permit was trminated because of a glich in the States Mental Health database and also another that Juvenile records were pulled from the same database. The court should be the one who determines the final decision and these decisions must not be left to others. Due process is important in our legal system and Mahalo for allowing me the due process to submit this testimony.

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Date: Wednesday, March 16, 2016 9:22:32 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Wela	Individual	Oppose	No

Comments: I am in strong opposition to this this bill due to it's glaring lack of due process. Hawaii State Law requires an application for a show cause order be made to the courts before a right can be taken away by the State. This bill should be ammended to comply with Hawaii law as well the 2nd and 4th Ammendments to the US Constitution. As it now reads there is no clear requirement for a court order before a persons guns are seized. Thank you Daniel Wela

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Date: Wednesday, March 16, 2016 9:32:51 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Misae Wela	Individual	Oppose	No

Comments: This bill lacks any clear provision for a court's show cause order before firearms are seized. Thus it fails to follow Hawaii's own laws regarding suspension of rights by the State. I must stand in opposition to this proposed bill until it is ammended to clearly require a court order before any confiscation is attempted.

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Cc: jarednakamura@yahoo.com
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Wednesday, March 16, 2016 9:34:11 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
jared nakamura	Individual	Oppose	No

Comments: I strongly oppose.

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Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Wednesday, March 16, 2016 9:36:33 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Bowen Dickinson	Individual	Oppose	No

Comments: As a responsible gun owner I object to passage of HB 2632 as written - This bill is too broadly worded and would include too many individuals who pose no threat to anyone. I strongly oppose this measure for the following reasons: (1) It does not meet the due process requirements for loss of Constitutional core rights under section 334-60.4. (2) A person who is taken to a hospital by police (under an MH1) for involuntary medical evaluation would auto automatically lose their rights and have their firearms confiscated. A person undergoing such evaluation would not have access to their firearms anyway. This bill should not be passed at all as it needs serious work on the safeguards to prevent abuse of our citizens. I am NOT against taking firearms from patients who have certified, disqualifying mental issues, but do not want non-judicial commitment to authorize confiscation. Another judicial step must be implemented to allow for confiscation of firearms. AN AMENDMENT THAT A COURT ORDER NEEDS TO PRECEDE CONFISCATION, AND A RETURN OF FIREARMS MECHANISM FOR THOSE "NO LONGER ADVERSELY AFFECTED" BOTH NEED TO BE INSERTED INTO THE BILL. Respectfully, Bowen Dickinson

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Date: Wednesday, March 16, 2016 10:05:20 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
PJ Long III	Individual	Oppose	No

Comments: I continue to strongly OPPOSE this measure & encourage legislators to consider the lack of any sort of Due Process written into this bill. I support the intent of this legislation, however strongly disagree with its revocation of a Constitutionally protected right without any sort of Judicial review or oversight. Our country was founded on the principles of freedom and broad-based power and leadership. This bill, without protections for individual citizens, falls short of that standard. I encourage all members to OPPOSE this bill as written.

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Date: Wednesday, March 16, 2016 10:41:56 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jamie Arnold	Individual	Oppose	No

Comments:

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Subject: *Submitted testimony for HB2632 on Mar 17, 2016 13:45PM*
Date: Wednesday, March 16, 2016 10:53:24 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Rey Tumacder	Individual	Oppose	No

Comments:

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Testimony on HB2632 HD2 Relating to Firearms

IN STRONG OPPOSITION

Heard in JUD on Thursday, 3-17-16 1:45 PM in Senate conference room 229.

Hon. Chair, Vice Chair, and Members,

Removing firearms access from individuals with significant psychiatric illness to the degree that they are a danger to themselves or others is a logical, reasonable intent as well as a primary rule for safe gun handling.

The proponents of this bill, however, intend that the MH1 process for involuntary commitment to a psychiatric unit be utilized toward that purpose, which violates the individual's civil rights under the 2nd and 4th Amendments and HRS 334-61. The MH1 process involves a police officer, a psychologist retained by the county police usually by phone consultation, and an emergency room physician, to decide the need for acute psychiatric hospitalization. There is no court order involved in the depriving of the individual of civil rights by seizing firearms.

§334-61 Presumption; civil rights.

"No presumption of insanity or legal incompetency shall exist with respect to any patient by reason of the patient's admission to a psychiatric facility under this chapter. The fact of the admission shall not in itself modify or vary any civil right of any such person, including but not limited to civil service statutes or rights relating to the granting, forfeiture, or denial of a license, permit, privilege, or benefit pursuant to any law, or the right to dispose of property, execute instruments, make purchases, enter into contractual relationships, and to vote. If the administrator of a psychiatric facility or the deputy is of the opinion that a patient should not exercise any civil right, application for a show cause order shall be made to the court under the above proceedings after notice pursuant to section 334-60.4. [L 1976, c 130, pt of §4; am L 1977, c 76, pt of §3; am L 1985, c 68, §7]"

334-59 is too vague on the requirement for the ex-parte verbal court order for hospitalization as it pertains to firearms seizure.

Please amend this bill so that a court order is unquestionably required before seizure.

Respectfully,

Dr. Maxwell A. Cooper, MD

225-6944

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: mauka873@msn.com
Subject: Submitted testimony for HB2632 on Mar 17, 2016 13:45PM
Date: Wednesday, March 16, 2016 11:11:24 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Brad Pocock	Individual	Oppose	No

Comments: I Strongly Opposed

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HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Yvette Makahanaloa	Individual	Oppose	No

Comments: I Strongly Opposed

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HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
G Asi	Individual	Oppose	No

Comments: I STRONGLY OPPOSE this unless the bill is amended to specify that a court order must be obtained for the hospitalization before firearms can be seized, as required under the 2nd and 4th Amendments and Hawaii State law.

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Date: Wednesday, March 16, 2016 11:16:04 AM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Gordon Kitsuya	Individual	Oppose	No

Comments: Confining someone and taking his property, including guns, money, and home, without due process is prohibited by the Constitution. That's what happened in Nazi Germany and Communist Russia, and it must not happen here. We need due process first.

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HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Bruce F Braun	Individual	Oppose	No

Comments:

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HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Aaron Asuncion	Individual	Oppose	No

Comments:

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HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jaime Barroga Jr	Individual	Oppose	No

Comments:

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HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Macugay	Individual	Oppose	No

Comments:

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HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
GENER MACARAEG	Individual	Oppose	No

Comments: I STRONGLY OPPOSED unless the bill is amended to specify that a court order must be obtained for the hospitalization before firearms can be seized, as required under the 2nd and 4th Amendments and Hawaii State law.

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HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dr Marion Ceruti	Individual	Oppose	No

Comments: This measure is unacceptable for the following reasons: (1) It does not meet the due-process requirements for loss of core Constitutional rights. (2) A person who is taken to a hospital by police (under an MH1) for involuntary medical evaluation would automatically lose his or her rights by having his or her firearms confiscated. A diabetic suffering from hypoglycemia at that moment would lose his or her Constitutional rights whereas hypoglycemia in diabetics is treatable by nothing more than a tablespoon of sugar. (3) Not all mental illnesses pose equal dangers to the community. For example, patients with mild and temporary mental illness should not be treated legally the same those with serious mental diseases that result in violence. (4) This measure represents a legal "slippery slope." A financial conflict of interest is evident from the trend toward medically defining more and more mental "illnesses" to include human thoughts and behaviors that previously were considered to be within the normal range. Taken to its extreme, no one would be allowed to have any emotions or express opinions without risking firearm confiscation. For example, oppositional defiant disorder is defined in the Diagnostic and Statistical Manual of Mental Disorders, 4th ed. Now it applies to children. Suppose the age is gradually raised to include adults. Expanded definitions of mental disorders taken together with this measure could provide a legal vehicle whereby anyone could have his or her firearms confiscated for expressing a particular political opinion that differs from that of the ruling party, thus affecting freedom of speech. (5) This measure gives the mental-health industry too much power because does not provide the citizens sufficient protection from a mental-health professional bent on ending private firearm ownership. (6) This measure would discourage mentally ill patients from seeking the help that they need for fear of losing their firearms, thus resulting in MORE rather than fewer problems with mental illness in our community. In conclusion, I oppose non-judicial commitment to authorize confiscation. NO firearms should be confiscated from patients unless they have actual certified, disqualifying mental illnesses and none should be confiscated without due process. Another judicial step must be implemented prior to the confiscation of firearms. The right to keep and bear arms is a RIGHT given by God and not a privilege granted by the government. This right shall not be infringed.

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HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
John Moriki	Individual	Oppose	No

Comments:

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HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. J. W. Morrow	Individual	Oppose	No

Comments: Immediate confiscation of a citizens property without a professional diagnosis of the individual's medical condition is an abuse of power. Furthermore, it makes no sense for the chief of police to issue a written notice to an individual undergoing an undiagnosed medical emergency and expect that individual to immediately comply by surrendering the items specified in the notice. And since the items in questions are protected by the U.S. Constitution, it would appear to be illegal to immediately seize them without prior adjudication.

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HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Brandon Elizares	Individual	Oppose	No

Comments: I OPPOSE

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Date: Wednesday, March 16, 2016 9:50:04 PM

HB2632

Submitted on: 3/16/2016

Testimony for PSM on Mar 17, 2016 13:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dwayne Lim	Individual	Comments Only	No

Comments: I strongly oppose this bill.

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