

HAWAII RIFLE ASSOCIATION
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THE STATE AFFILIATE
OF THE NATIONAL
RIFLE ASSOCIATION

February 12, 2006

TESTIMONY ON SB2531, IN STRONG SUPPORT
Before the Committee on Intergovernmental Affairs,
Tuesday, February 14, 2006
3:00 PM, Conference Room 225
Sgt-At-Arms please provide 35 copies

Honorable Chair, Co-Chair, and Members,

Hawaii Rifle Association is in strong support of this bill to *require* the County Chiefs of police to issue permits to carry handguns to adults with proper training and no **disqualifying mental health or criminal record.**

This bill has undergone several revisions since last heard in the House Judiciary, 4 years ago. It is based on Florida's successful law, adapted to Hawaii. Unlike Florida's bill, it is only about handguns (not knives, etc.), and this bill adds locked mental health units to the list of locations where carry is not lawful.

It does not propose a new law; it just fixes the old one, which is broken. Hawaii is a "may issue" state. The County Chiefs of Police *may issue* licenses to carry concealed handguns. It is totally at the discretion of your county Chief. You cannot hold the Chief responsible for failure to issue you a permit, even if you are injured as a result. Your survivors will not prevail in a suit against the City and County, even if your death results from the Chief's denial. Also, under the present statute, the applicants must show "need", i.e., that they are at risk. Presumably, if that risk is no longer, the permit is not renewable. This bill does not give the authorities the opportunity to judge need and thereby arbitrarily deny an applicant. The permit is renewable if there are no interim disqualifying circumstances.

Opponents predict wild-west shootouts if you pass this bill. Not in the other 35 states that have adopted shall-issue laws. None have experienced that. **No states have rescinded their shall-issue laws. There was no wave of vigilantism in Hawaii when permits were available.** HPD Chief Douglas Gibb issued permits to carry. His successor, Chief Michael Nakamura instituted a policy of no permits to civilians. He even took back the permits for sheriffs. Former Governor Ben Cayetano carried a concealed handgun when he was a State Representative and a deputy sheriff. Nakamura's successors and the other County Chiefs have maintained the no-permits policy. Only law enforcement or military or security whose duties require concealed

carry are permitted. There is only one civilian permit in the whole state, the armorer to HPD.

When there were two attempts at burglary of my medical office, and a patient threatened my life, I wrote to Chief Nakamura for a permit to carry. A Captain Prasser replied for him with a letter explaining that I did not meet their criteria and that I should call the police if I were ever threatened. Although my alarm had brought Kailua police within five minutes, the burglar who left torch marks on my office door and a hole in the hallway ceiling was never caught. A police Sgt. visited me and asked me to drop the terroristic threatening charge against my patient so that HPD could close the case, as they could not find this man who had threatened to run me over with his car. I declined, and again supplied his address and phone number.

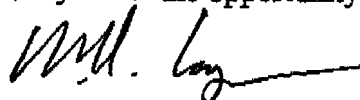
Professor John Lott last addressed the Hawaii State Senate Judiciary on this issue 4 years ago. His research, reported in his book, *More Guns, Less Crime*, shows that **violent and property crime rates go down in counties or states that enact shall-issue laws**. True, Hawaii has relative lower than average rates for violent crime, especially compared to other areas like Washington DC and Detroit, but we still have too much. **Opponents of this bill have to justify why they oppose the 15% violent crime reduction predicted for states that adopt a shall-issue law**. There is no down side, no offsetting increase in problems with permittees. Florida is a good example. Their law enforcement leaders endorsed their carry law, and followed statistics up carefully after its enactment. Virtually no permits have been revoked for criminal activity.

Virtually all of the people offering testimony in support on this bill consider themselves patriots. We consider it our duty to actively support the principles that were adopted at the birth of our country and have led it to greatness. We respectfully remind you that your oath of office includes a promise to support the Constitution of the United States of America and that of the State of Hawaii, including the 2nd Amendment to the US Constitution, and Article 1, Section 17 of the Hawaii State Constitution, which mirrors that 2nd Amendment: **"...the right of the people to keep and *bear* [italics added] arms shall not be infringed."**

HPD has washed its hands of the mandate from the federal government to provide retired law enforcement officers with carry permits. They passed the buck to the State Attorney General. Perhaps HPD should step aside and relinquish the implementation of this bill to the AG, too.

Please pass this bill on for further debate in Judiciary.

Thank you for the opportunity to testify on behalf of HRA.



Dr. Maxwell A. Cooper,
Legislative Chair, 261-8988