



Hawaii: First State to Put Gun Owners in FBI Criminal Database

“This is about our community’s safety and responsible gun ownership. This system will better enable our law enforcement agencies to ensure the security of all Hawaii residents and visitors to our islands,” argued Hawaii Governor David Ige as he signed SB 2954. The legislation authorizes county police departments in Hawaii to enroll firearms applicants and individuals registering their firearms, in a criminal record monitoring service.



The system, known as “Rap Back,” is a service of the FBI that provides criminal record monitoring for authorized government agencies such as law enforcement. According to the *Star-Advertiser*, the bill “makes the state the first to enter gun owners into an FBI database that will automatically notify police if an island resident is arrested anywhere else in the country.”

This illustrates vividly what “gun control” laws are all about. They are not so much about controlling guns as controlling “applicants” and “individuals” who register their firearms.

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According to a press release issued by Governor Ige’s office, the new legislation will allow county police departments to determine whether firearms owners will be allowed to keep their guns.

In other words, the gun owners’ constitutional right to keep and bear arms can be revoked, not through a judicial proceeding with constitutional due process, but at the discretion of law-enforcement agencies. The governor’s office argues that it is all legal, because, “This bill has undergone a rigorous legal review process by our Attorney General’s office and we have determined that it is our responsibility to approve this measure for the sake of our children and families.” So the AG has replaced due process in Hawaii?

Hawaii is the first state to take such an action — placing its own residents in a federal criminal record database even if they have not yet committed any crime — and monitoring them for possible wrongdoing anywhere in the country.

Previously, the use of the database was limited to monitoring possible criminal activities by individuals already under investigation, or people in positions of trust, such as school teachers and daycare workers.

Amy Hunter, a spokeswoman for the National Rifle Association’s Institute for Legislation Action, declared, “As you can imagine, the NRA finds this one of the most extreme bills we’ve ever seen.”

Even visitors from other states to the popular tourist destination will find themselves added to the database. Any individual carrying a gun into Hawaii will be required to register, and will be added to the “Rap Back” list. No provision exists for them to be removed from that list.

The author of the bill, Democrat State Senator Will Espero, argued that it was “common sense



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legislation that does not hurt anyone.” He said the bill “doesn’t even say your gun will automatically be taken away; it just means local police will be notified.”

The law also allows the Hawaii Criminal Justice Data Center to access firearms registration data.

Governor Ige has also signed two other gun control bills. HB 625 states that harassment by stalking and sexual assault are among the offenses that disqualify a person from owning, possessing, or controlling any firearm or ammunition.

HB 2632 is even more onerous. It will require that gun owners surrender their firearms and ammunition to the chief of police if they have been disqualified from owning a firearm and ammunition after a diagnosis of significant behavioral, emotional, or mental disorder, or emergency or involuntary hospitalization in a psychiatric facility. This measure will actually allow the chief of police to seize the firearms and ammunition of all disqualified gun owners who do not surrender their weapons after receiving a written notice.

HB 2632 raises some serious issues. If a physician notifies the chief of police that someone is emotionally disturbed, and the gun owner is given a written notice by the chief of police, no due process is required before a person’s Second Amendment right to keep and bear arms is suspended. After all, under due process of law, this person would only have been *accused* of being emotionally disturbed. What is the legal standard of proof?

Additionally, the person does not even have to have been formally charged with having committed a crime before his or her constitutional rights are infringed. Where is the check on an abuse of this power by the chief of police?

While in the *Heller* case, the U.S. Supreme Court held that the Second Amendment was designed to protect the right of an *individual* to keep and bear arms, and was not simply connected to active service in a state militia or national guard, this law demonstrates that enemies of the Constitution are prepared to do what they can to restrict that right. In the near term, it is not likely that the Congress or a state legislature will attempt to confiscate all firearms. But we can expect more laws of this nature, which are intended to make it increasingly difficult for an individual to exercise the right to keep and bear arms.

It would be comparable to saying one has the right to petition the government, but only if the legislature permits it: clearly an absurdity.

As for more laws on the horizon, expected Democrat presidential nominee Hillary Clinton favors a law that will allow gun manufacturers to be sued if one of the guns they have manufactured is used in the commission of a crime. The practical effect would be to drive gun manufacturers out of business. After all, if someone could sue General Motors every time a Chevrolet Impala was involved in a crime, automobile manufacturing would come to a halt. If someone used a baseball bat to murder someone, could the company that made that bat be sued? That would certainly lead to difficulty in playing a baseball game!

The end result of such a law, allowing lawsuits against gun manufacturers if one of their guns is used in a crime, would be the termination of the constitutional right to keep and bear arms. After all, even if citizens were “allowed” to keep their firearms, no more bullets would be manufactured for civilian use. And a firearm without ammunition would be as useless as an automobile without an engine. Perhaps a gun owner could confront a burglar with an empty gun.

Unless, of course, a police chief in Honolulu had already taken the gun away, using his “discretion.”



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