

Testimony on Bill 36-0144 and Bill 364

Committee of the Whole | Thirty-Sixth Legislature of the Virgin Islands

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Testifier: Kosei ("Ko-Say") Ohno, Founder of Virgin Islands Safe Gun Owners

Requested action: Hold Bill 36-0144 and Bill 364 and substitute the constitutional VISGO Amendment A35.

1. Introduction and Federal Context

Good morning, Honorable President Milton Potter, distinguished Senators, members of the Committee, and members of the public. My name is Kosei ("Ko-Say") Ohno. I am the founder of Virgin Islands Safe Gun Owners, known as VISGO. Thank you for the opportunity to testify.

I respectfully ask that my prior VISGO testimony, Sgt. Bernard Burke's prepared testimony, the objective AI analysis, and the other attached exhibits be placed into the record. My request today is simple: substitute the constitutional VISGO Amendment 35 in place of Bill 36-0144 and Bill 364 before you today.

Before this Committee votes, we need to recognize how serious this moment is. I am referring to the US DOJ, not the VI DOJ. The US DOJ has sued VIPD for alleged unconstitutional firearms practices. This is not routine local politics. The US DOJ Civil Rights Division now has a Second Amendment Section/Task Force whose stated mission includes investigating law-enforcement agencies that engage in patterns or practices infringing the Second Amendment rights of law-abiding citizens. That federal effort flows from a White House executive order directing the Attorney General to protect Second Amendment rights.

The Los Angeles County Sheriff's Department was the first national Second Amendment pattern-or-practice target for similar unconstitutional permitting-delay issues, followed by the US DOJ lawsuit against the USVI, VIPD, and related defendants. VIPD is now at the front of the line nationally. Gun Owners of America, the Second Amendment Foundation, the National Rifle Association, and national constitutional litigators are watching and laser focused on the USVI lawsuit. The U.S. Supreme Court ruled in Bruen that ordinary citizens cannot be forced to prove special need before carrying firearms for self-defense. The US DOJ is now saying VIPD violated that principle. At a time when the Virgin Islands expects roughly \$20 billion in federal support over the next decade, why would we invite an avoidable confrontation with the federal government by passing another constitutionally defective bill?

2. Process: Firearms Legislation by Ambush

The process has also been unfair. VISGO and law-abiding firearm owners have been denied a meaningful opportunity to testify ten separate times. The Government had years after Bruen to fix the law and ample time to prepare for today. The public had only eight calendar days - six business days - to review a 29-page substitute amendment that was never publicly released in advance in a way that ordinary citizens could review and respond. I have not seen it. That is legislation by ambush.

The burden should be reversed. Before the VI Government restricts a constitutional right, the VI Government should come forward with the historical analogue analysis that Bruen requires. Where is that analysis? Where is the public memorandum explaining the historical tradition for broad sensitive-place bans, per-firearm fees, magazine bans, suppressor bans, mandatory firearm inspections, and discretionary police-controlled suspension powers? Bill 364 is defective from the beginning because it fails to do what the US Supreme Court says the VI Government must do before denying a civil right.

This is not just my personal concern. The petition to delay or reject Bill 36-0144 reflects broad public concern, including hundreds of verified signatures asking for fair public testimony and protection of constitutional rights. See Exhibit 5.

3. Bill 36-0144, Bill 364, and the Objective Comparison

Bill 36-0144, proposed by Senators Clifford Joseph and Marise James, is plainly unconstitutional. It attempted to ban commonly owned firearms and accessories, required surrender without compensation, banned suppressors, targeted magazines, and imposed burdens that would turn lawful citizens into felonious criminals.

Bill 364, offered by Senator Clifford Joseph as a substitute amendment, is an improvement over Bill 36-0144, but that is not enough. In my personal view as a citizen whose rights have already been affected by VIPD, Bill 364 is like being told to jump from the 13th floor instead of the 30th floor. You still die constitutionally. A less unconstitutional bill is still unconstitutional.

This is not just my opinion. I am submitting as Exhibit D an objective AI analysis as a check on the VI Government's one-sided representation. Using a 100-point scoring rubric, the Government's prosecutor- and police-centric Bill 364 received a failing score of 5.1 out of 10, with high challenge risk.

The constitutional VISGO Amendment A35 received an 8.9 out of 10 because it better addresses Bruen, the US DOJ lawsuit, due process, objective licensing, reasonable fees, privacy, and public safety. The Committee does not have to accept VISGO's word for it. The comparison is in the record.

4. Core Problems With Bill 364

The first problem is credibility. VIPD is the agency being sued by the US DOJ. Yet Bill 364 leaves VIPD as the central gatekeeper and gives it more discretion, more inspection power, more suspension power, and more control over citizens who are trying to comply with the law. If the US DOJ is saying the system needs reform, why is the agency accused of violating rights writing its own rules? Shouldn't an independent, credible framework be used instead?

The second problem is "sensitive-places." Bill 364 turns ordinary life in the Virgin Islands into a legal minefield. Government buildings and grounds, hospitals, religious locations unless permission is given, demonstrations, special events, private property unless the owner opts in, and broad surrounding areas can eliminate the right to carry. In the Virgin Islands, we pass government buildings, parking lots, public beaches, ferry areas, businesses, and community events every day. Under Bill 364, a lawful citizen may have to drive on water to avoid becoming a criminal. Criminals will read the bill too. Bill 364 risks giving criminals a map of target-rich areas where law-abiding people are disarmed.

The third problem is magazines. Millions of Americans possess standard magazines. Under Bill 364, a magazine over 15 rounds becomes a large-capacity magazine. For an unlicensed person, possession alone is a felony. If that magazine is within 1,000 feet of a school, playground, public housing facility, youth center, school bus stop, public swimming pool, or public beach, the sentencing exposure is 20 years in prison or a \$20,000 fine. As drafted, I do not see an express mens rea, "knowingly," or criminal-intent protection in that 20-year trap. A citizen with a common 17-round magazine in a car could become a felon without intending to commit any crime.

The fourth problem is cost. The Second Amendment cannot belong only to people with money. The current system charges \$150 per firearm. Bill 364 still uses a per-firearm model. Add training, photos, notarization, police records, time off work, repeated VIPD trips, because the Firearms Office is often closed or open for limited hours, and recurring certification costs can run hundreds of dollars. A son or daughter who inherits a family's lawful firearms should not have to ask, "Can I afford to inherit my family's property and constitutional rights?"

The testimonial exhibits show these concerns are not theoretical. Conn Davis raises the cost and process concerns. John Hairston describes waiting since April for an in-home safe inspection after beginning the legal process months earlier. Kyle Koopmans describes being told an unmodified firearm with a threaded barrel could be refused or confiscated despite no law against a threaded barrel. Jah-Niah Mussington describes an approved firearm purchase later reversed, followed by demands to convert the firearm and destruction of parts without compensation or written explanation. National voices from Gun Owners of America and Fuerza 2A also warn that these bills punish the law-abiding rather than criminals. See Exhibits A.1 through A.6.

5. Real-World Public Safety

These burdens fall hardest on working women and ordinary families. Think about a single mother who works a government job until 5 p.m., picks up her children, gets them settled, and then works her second job. At 11 p.m., she leaves with her

personal money and perhaps cash tips. Whether the area is illuminated or WAPA goes out and the streetlights and parking lot are dark, that is not theoretical. It is a real safety threat. We respect police officers, but we do not expect an officer to be everywhere at the moment danger appears.

Two recent VIPD-posted surveillance videos make the point. Exhibit 6 shows an armed robbery at a Havensight jewelry store. Exhibit 7 shows an attack at Gas Works. These are not home-only events. They are public, commercial, and workplace attacks. "Home protection only" does not protect the person pumping gas or working behind a counter. If multiple armed assailants attack with illegal, unregistered firearms and high-capacity magazines, a law-abiding citizen should not be forced into an artificial magazine limit while a firearm is locked away and inaccessible. Real public safety also means addressing root causes and opportunity. Exhibit 4 shows research connecting economic insecurity and gun violence in schools. That is why VISGO has supported safer community spaces and Project Bleachers. We should invest in youth, community engagement, and enforcement against actual violent criminals - not creating paperwork traps for citizens who are trying to follow the law.

6. Evidence the Committee Should Consider

Sgt. Bernard Burke's testimony is incorporated by reference. As the former VIPD Firearms Director, he explained that criminals do not go through the registration process and that he had not observed a pattern of legal, registered firearms being used to commit crimes or endanger police officers. See Exhibit B.

The US DOJ Bureau of Justice Statistics report also undermines the myth that burdens on lawful retail purchasers will stop criminals. It found that among prisoners who possessed a firearm during their offense, 90 percent did not obtain it from a retail source. See Exhibit 2.

The research also does not support the myth that lawful carry causes chaos. The University of Chicago Law School study by John Lott and David Mustard concluded that right-to-carry concealed handgun laws deterred violent crime, including murders and rapes. See Exhibit 1. Another study on police deaths concluded that right-to-carry laws did not endanger police officers and may reduce felonious police death risk after passage. See Exhibit 3.

Bill 364 also includes a suppressor ban and ignores practical technology. ShotSpotter's own FAQ states that it can detect gunfire from suppressors because suppressors reduce sound but do not eliminate it. Therefore, banning federally regulated suppressors from lawful citizens does not solve crime; it creates another constitutional fight. See Exhibit 8.

7. The Constitutional Alternative: The VISGO Amendment A35

VISGO has offered a better answer: VISGO Amendment A35. It protects public safety without violating constitutional rights. It creates objective standards, deadlines, deemed approval if the VI Government fails to act, lower fees, no per-gun renewal tax, no warrantless home inspections, no mandatory firearm inspections, confidentiality protections, an independent Firearms Review Board, reciprocity, and targeted penalties for real criminal misuse, prohibited persons, stolen firearms, and conversion devices. See Exhibit C.

That is the difference. Bill 364 creates traps for ordinary people. The VISGO Amendment A35 creates constitutional compliance.

8. Conclusion

The Legislature has a choice. It can rush another unconstitutional bill through the process and invite more litigation, more federal attention, and more distrust. Or it can hold Bill 36-0144 and Bill 364, hold real hearings on VIPD firearms practices and civil-rights violations, and adopt the constitutional VISGO Amendment.

The Virgin Islands needs real public safety. The Legislature and the Executive Branch should not make criminals out of law-abiding citizens to pretend we have solved violent crime.

We need to prosecute violent criminals. We need to support good police officers. We need safer community spaces for youth.

I respectfully ask this Committee to hold Bill 36-0144 and Bill 364, and to adopt the VISGO Amendment.

Thank you, and I welcome your questions.

Exhibit List

The exhibit numbering below follows the exhibit numbers in the attached file names where provided. Previously prepared materials without a numeric file label are listed after the numbered and testimonial exhibits.

Exhibit	Description
Exhibit 1	Crime, Deterrence, and Right-to-Carry Concealed Handguns - University of Chicago Law School working paper
Exhibit 2	Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016 - US DOJ Bureau of Justice Statistics
Exhibit 3	The Impact of Gun Laws on Police Deaths - David B. Mustard
Exhibit 4	Economic Insecurity and the Rise in Gun Violence at US Schools - Nature Human Behaviour
Exhibit 5	Petition to Reject Bill 36-0144 / Delay or Reject Bill 36-0144: Ensure Fair Public Testimony and Protect Constitutional Rights
Exhibit 6	Havensight Jewelry Store Armed Robbery video
Exhibit 7	Gas Works Attack video
Exhibit 8	ShotSpotter Detects Shots from Silencers - ShotSpotter FAQ
Exhibit A.1	Conn Davis testimonial
Exhibit A.2	John Hairston testimonial
Exhibit A.3	Kyle Koopmans testimonial
Exhibit A.4	Jah-Niah Mussington testimonial
Exhibit A.5	Luis Valdez / Gun Owners of America testimonial
Exhibit A.6	Alisabet Valdez / Fuerza 2A testimonial
Exhibit B	Sgt. Bernard Burke prepared testimony, incorporated by reference
Exhibit C	VISGO Amendment, constitutional substitute framework
Exhibit D	Objective AI Constitutionality and Litigation-Impact Review comparing Bill 364 and the VISGO Amendment, submitted as a check on the Government's one-sided representation