

VISGO

VIRGIN ISLANDS SAFE GUN OWNERS

Testimony on Bill 36-0144

Rules and Judiciary Committee

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Testifier: Kosei Ohno, Founder of Virgin Islands Safe Gun Owners

1. Introduction

Good afternoon, Madam Chairperson, distinguished members of the Senate and personnel of the Legislature here today. Good afternoon to my fellow testifiers and good afternoon to those here in person and to those in the viewing and listening Audiences. Thank you for the opportunity to testify today. My name is Kosei (“Ko-Say”) Ohno. Since 1998, I have been the principal owner of Crown Bay Marina in St. Thomas, and I am also the founder of Virgin Islands Safe Gun Owners (VISGO). We strongly oppose Bill 36-0144 and have grave concerns regarding this bill’s constitutionality as well as its intended effectiveness. If this Bill passes and becomes law, this Bill will have the unintended effect of becoming the **“Criminal Empowerment Act”** as only law-abiding citizens will be disarmed, not the criminals. Furthermore, this Bill fails to correct the costly firearms laws and regulations that financially devastate the law-abiding firearm owners. As such, we urge this Committee to vote no so my members and I could return to do what we are good at, which is creating jobs and generating revenue for this Government.

2. Who is VISGO?

When my twice-approved firearms license came up for renewal in 2024, I was denied my renewal licenses for unlawful, arbitrary and capricious reasons. What was worse is that it took over (5) months for the Firearms Department to conduct its review and denial. Suddenly and without legal justification, my life and liberty were put at risk. Despite repeated good faith efforts to resolve this matter amicably, I was forced to file a lawsuit. Following the publication of my lawsuit against VIPD, I started receiving overwhelming support from similarly victimized law-abiding firearms owners. From this groundswell, VISGO was born. Its mission is to restore Second Amendment rights to the Territory while promoting safe gun ownership. Over the last five months, we have grown organically and now our grass roots organization currently boasts 168 active members representing the interest of law-abiding legal firearm owners, which is estimated be approximately 5,000 to 8,000 in the Territory.

3. Highlights of Unconstitutional Legal Issues

Despite I not being a lawyer, I have spoken with many prominent local attorneys as well as national lawyers who are studied in the 2nd Amendment, all of whom have indicated to me that the that there are several serious constitutional implications with the Virgin Islands' current firearms law as well as with this new Bill 36-0144:

- Virgin Islands Firearms Law is almost word-for-word identical to NY Firearms Law, which was deemed to be unconstitutional by the landmark U.S Supreme Court case (*Bruen*, 2022) for violating the **Second Amendment**.
- **Fourth Amendment** violations (“right to privacy against unreasonable searches and seizures by the government”) by conducting unconstitutional search of the home of the

prospective firearms licensee through a home inspection in the name of home safe inspection.

- **Fifth Amendment** violations (“due process of law” before being deprived of “life, liberty, or property”) when VIPD confiscates legal firearms without just compensation.
- **Eighth Amendment** violations (“cruel and unusual punishments by the government”) by penalizing those who failed to renew their license causing a felony punishable by not less than 10 years to life.
- Additionally, all of case law cited by the Virgin Islands Attorney General Gordon Rhea related to assault weapons ban, magazine capacity restrictions, and suppressors were not from the 3rd Circuit Court of Appeals, *i.e.*, not binding on the District Court of U.S. Virgin Islands and the U.S. Third Circuit Court of Appeals. The laws are not the law of the land until U.S. Supreme Court decides to rule on these matters.
- We identified much of the language matched Rhode Island, California, and National Firearm Act, none of which are applicable or binding in the 3rd Circuit Court of Appeals, but one section of the bill stood out that was unique to VI: mandatory training certification. This will be a great financial burden to the licensee, and seemingly solely benefit the company providing the training.
- Why is that? We have more questions on this topic. Who financially benefits from this? Is this a money grab by a monopoly operation? This part of the bill is a particularly insidious form of a constitutional violation as it results in yet another form of Fifth Amendment taking – gun confiscation by cost.

4. Gun Confiscation by Cost

This Bill doesn't address any of the existing costly registration issues:

- Initial License fee per Gun: \$75
- Application Form: \$7
- Police Report: \$12
- Finger Print Card: \$40
- Passport photos: Approximately \$20
- Notarization: \$20 for a new application
- Mandatory Safety Course: approximately \$340 to \$600
- Mandatory Gun Safe: \$300 to \$500.
- Renewal fee: **\$150 per firearm, currently every 3 years as enforced by VIPD.** No other state in the country charges by the gun based on our initial research; this is extraordinarily punitive and overly burdensome. Additionally, the DC Circuit Court of Appeal in *Heller III* ruled that renewal fees altogether are unconstitutional.
- An average household with a gun for the wife, a gun for the husband, a shot gun at home, and a rifle for hunting will cost over \$2,000 to initially register the firearms and over \$1,500 to renew depending how often VIPD enforces mandatory training. Older residents on fixed incomes or low-income residents would be disproportionately unable to afford courses and fees. I am not alone in asking that you reject or table this bill until further discussion can be had. As of the writing of this testimony, 620 mostly Virgin Islanders have signed a petition requesting the same (See Exhibit 5). They include former VI Police Officers, veterans, taxi drivers, tow truck drivers, contractors, electricians, government personnel, members of VISGO, and other ordinary Virgin Islanders.

5. Myth Busters

Before I conclude my testimony, I want to take a short moment to rebut several common misconceptions about legal guns and gun ownership.

- First, many people believe that increasing the right to conceal carry increases crime. Not True. You don't have to take my word on it. The University of Chicago Law School conducted a study and found that increased right to carry concealed weapons often deters or reduces crime. Permissive concealed carry laws reduce murders and especially rapes (Chicago Law School, Crime, Deterrence, and Right-to-Carry Concealed Handguns, See Exhibit 1)
- Secondly, many people believe lawfully licensed guns commit the vast majority of the gun-related crimes. Again, not true. An Obama-era Office of Justice Programs study from the US DOJ, found that over 98% of firearms crimes were committed with illegal, unlicensed guns. Less than 2% had obtained a firearm from a retail source to commit a crime. This comports with the testimony I heard previously from the Attorney General, the Office of Gun Violence Prevention, and Police Department. This Bill will do nothing to alter criminals carrying unlicensed illegal weapons. And there are already laws on the books that the Police and DOJ have to combat that kind of lawlessness without adding this Bill. (Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016, Obama Administration Era DOJ Report, See Exhibit 2)
- Third, it is feared that permissive concealed carry laws endanger police officers. This is also false. The attached study shows that permissive concealed carry laws do not negatively impact the safety of officers (See Exhibit 3). Law-abiding gun owners who go through the hassle of licensing and registering their firearms are not the ones who endanger the Police.

- Fourth, people believe economic insecurity have no correlation to rise in gun violence. This is also false. According to study published by Nature Human Behaviour” (See Exhibit 4), “...increased shooting rates are significantly correlated with increases in the unemployment rate...,” i.e., a solution to violence caused by ILLEGAL GUNS will not be found in additional gun regulation that only impacts law-abiding citizens. A famous priest in Los Angeles combating gang violence said, “Nothing stops a bullet like a job.” He emphasized the power of employment and purpose to divert people from the gang life.
- Fifth, you only get attacked at home by a single assailant and you don’t need more than 9 bullets, and you only need a capable firearm or rifle at home. Also, not true. As you could see from the attached publicly released Virgin Islands surveillance videos (Exhibit 6 & 7), you could easily become a victim while away from home in transit at a gas station or place of business by multiple assailants with powerful, illegal weapons with magazines holding bullets way in excess of 9 rounds. Those weapons were certainty not registered with the Firearms Department. If you were attacked under similar circumstances, what kind of legal firearm would you like to have? The police can’t be there in time to defend you.
- Finally, I know I am out of time, but I would direct Members of this Distinguished Committee to review sites online about Good Guys with Guns. The data is real and they prevent crimes. I direct your attention to the renowned journalist John Stossel’s story on YouTube at this link: (YouTube link https://youtu.be/0r_xc09q9vo?si=wGgkp2H0kjEIoL56)

6. Conclusion

This Bill fails to meet the required in-depth constitutional analysis as well as any analysis on economic impact. Additionally, this Bill fails to address existing unconstitutional firearms laws

and regulations. Firearms that are “in common use” for lawful purposes shouldn’t be banned nor denied for the law-abiding citizens. Please enforce the existing laws to capture the illegal weapons on the street. Finally, VISGO supports SAFER COMMUNITIES ACT, which will streamline the firearms registration and approval process creating accountability and transparency to the Territory and help bring our laws in line with the Second Amendment. We believe it will have a greater chance of reducing any firearms illegally making it into the hands of criminals. Members of VISGO are happy to meet with the Senators to further discuss this simple, effective, constitutional Bill. I would like to again thank the Chairwoman Senator Carla Joseph for allowing VISGO to testify on Bill No. 36-0144 and to the Committee for listening attentively. I welcome any questions you may have.