



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. Furthermore, the full financial impact and burden on the law-abiding firearm owners of the Virgin Islands has yet to be fully evaluated. As such, we urge this Committee to vote no or delay any upcoming vote, until all affected parties and stakeholders have had properly noticed, meaningful opportunity to testify before the Legislature. I ask for the Committee’s indulgence and leeway on my testimony as I didn’t have ample time to prepare it in writing, and therefore, I might expand on certain topics as I progress through my testimony that might not match my verbatim submission.

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2. Who is VISGO?

I would like to first talk about who VISGO is and why we were formed. I am not a “gun nut” nor did I seek to be a crusader on this issue. I do not consider myself a hero for this issue. 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. After consulting multiple lawyers, I was advised that none of the reasons given by the Government for the denial were based in law or promulgated regulations.

Despite repeated good faith efforts to resolve this matter amicably, I was forced to file a lawsuit with the District Court of the Virgin Islands such that I could secure my firearms to protect myself, my business, property, employees and customers from known and unknown threats. 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 four months, we have grown organically and now our grass roots organization boasts over 130 active members representing the interest of law-abiding legal firearm owners, which is estimated to 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 Second Amendment, all of whom have indicated to me that there are several serious constitutional implications with the Virgin Islands' current

firearms law as well as with this new Bill 36-0144 Because my time to testify is short I will identify their concerns in bullet point style and welcome further hearings, analysis and testimony on each of these large topics in the future. Their concerns include:

- With this new bill, the Virgin Islands firearms law will be violating the Second, Fourth, Fifth, and Eighth Amendments.
- Based on multiple prominent local lawyers analysis, the Virgin Islands Firearms Law is almost word-for-word identical to NY Firearms Law, which was deemed to be unconstitutional by U.S Supreme Court under *N.Y. State Rifle & Pistol Ass’n v. Bruen* (2022) for violating the **Second Amendment**. Virgin Islands firearms law has the same defects as the New York firearms law.
- Current Firearms law violates **Fourth Amendment** by conducting unconstitutional search of the home of the prospective firearms licensee through a home inspection in the name of home safe inspection. Many VISGO members had to make the decision to give up their Fourth Amendment (“right to privacy against unreasonable searches and seizures by the government”) right to exercise their Second Amendment Right.
- The new Bill will violate the **Fifth Amendment** (“due process of law” before being deprived of “life, liberty, or property”) when VIPD confiscates previously legal firearms without just compensation.
- The current firearms law violates the **Eighth Amendment** (“cruel and unusual punishments by the government”) by penalizing those who failed renew their license causing a felony punishable by not less than 10 years [to life], since there is not cap on maximum sentence.
- Additionally, all of case law cited by the Virgin Islands Attorney General Gordon Rhea related to assault weapons ban, magazine capacity restrictions, and silencers 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 in question are not settled law in the V.I. District Court and Third Circuit Court of Appeals, and they are not bound by those precedents—these laws are not the law of the land until U.S. Supreme Court decides to rule on these matters.

- After analyzing the proposed Bill, we identified much of the language matched Rhode Island, California, and National Firearm Act, none of which are applicable or binding in the Third Circuit Court of Appeals, but one section of the bill stood out that was unique to VI: mandatory training certification every three years, which 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

A. Current Costs and Application Process:

I want to talk to you, and the audience who may or may not have ever gone through the process of getting a gun registered in the Virgin Islands, about the steep costs involved:

- Initial License fee: \$75
- Finger Print Card: \$40
- Renewal fee: **\$150 per firearm, every 3 years**. I want to point out that 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.
- Notarization: \$20 for a new application; \$5 for each renewal

- Mandatory safety course (approximately \$350 to \$600)
- Passport photos (approximately \$20)
- Processing is slow and burdensome and typically takes 3-6 months and sometimes up to a year according to my members. Denials are often verbal only, not written, leaving little chance for appeal or giving any clear understanding as to why a person's Second Amendment rights are being infringed

B. Projected Burden Under Bill 36-0144

If Bill 36-0144 passes, rifle and shotgun owners would face a new recertification process that is both financially and professionally burdensome. The requirements are expected to include:

- **\$150 renewal fee per firearm every three years**
- A mandatory safety course every renewal period, estimated at approximately \$400 (ranging in costs of approximately \$350 to \$600).
- Notarization fee (\$5 per renewal)
- Passport photos (approximately \$20)
- Police record fee (\$12)
- Additional paperwork and multiple in-person visits to the Firearms Department, which only operates weekdays from 9 a.m.–2:30 p.m.

For example, a resident with three registered firearms would face:

- \$450 in firearm renewal fees (3 × \$150)
- Approximately \$400 for the safety course
- Approximately \$37 for photos, notarization, and police record
- Additional application processing time

That totals approximately \$887 every three years, not including lost work time. This is a tremendous financial burden for those with limited financial means, including our veterans, those on fixed incomes.

This approach—charging exorbitant fees and requiring both an initial basic certification course and ongoing recertification courses just to maintain lawful ownership—is a novel and grossly unconstitutional idea. No historical tradition in the United States conditioned the continued ownership of firearms on repetitive training and recurring financial hurdles. Under the Supreme Court’s *Bruen* decision, such novel restrictions fail the required historical test. This law acts as an inappropriate tax on constitutionally protected rights. Further, this scheme could create the unintended effect of age discrimination. Older residents, retirees, and others on fixed incomes would be disproportionately unable to afford repeated courses and fees. The burden effectively forces them to surrender lawfully acquired firearms rather than maintain compliance. In practice, this becomes a *de facto* Gun Confiscation by Cost disguised as administrative regulation and unlawful tax

Therefore, with deep respect for this Body and for the Law itself, I highly encourage this Body to take a beat before passing such a costly and constitutionally questionable bill, particularly one which will do little to curb any actual unlawful firearms activity. Take time to research and speak with and ask questions to the thousands of Virgin Islands gun owners who will be negatively impacted by this law. 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, 235 other Virgin Islanders have signed a petition requesting the same. They include VI Police Officers, veterans, government personnel, members of VISGO, 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. I will highlight a few here and refer the Members of the Committee to the exhibits I have attached to my Testimony for your detailed study.

- 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. You may be interested to know that the area of crime that was reduced by the highest degree was incidences of rape. Permissive concealed carry laws reduce murders and especially rapes (Chicago Law School, Crime, Deterrence, and Right-to-Carry Concealed Handguns, See Exhibit 1)

- Secondly, lawfully licensed guns do not commit the vast majority of the gun-related crimes. An Obama-era Office of Justice Programs study from the US DOJ, found that over 98% of firearms crimes were committed with illegal- *i.e.*, unlicensed guns. Less than 2% had obtained a firearm from a retail source to commit a crime. This comports with the testimony I heard last week from the Attorney General and the Office of Gun Violence Protection 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. As pointed out in my final point below they assist police and citizenry alike.

- 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 requires a lot more in-depth constitutional analysis as well as economic impact studies, which goes far beyond the limited time that I alone can speak to. But I and members of VISGO are happy to meet with the Senators to further discuss constitutional issues that exist in this Bill. I also ask that this Committee allow more legal firearm owners and stakeholders to testify before this Committee as they will be severely impacted by this Bill. I take the time once again to 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.