

# FIREWORKS & SAFEGUARDING OUR COMMUNITY

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## DEFINITION UNDER HAWAII STATE LAW

A common definition of "fireworks" across the regulatory spectrum is "[a]ny composition or device designed to produce a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of 'consumer fireworks' or 'display fireworks.'"

## STATE REQUIREMENTS

The use of fireworks requires licenses and/or permits.

### Requires licenses

- Importation, storage, offering for sale, or sale of any display fireworks, aerial devices, or articles pyrotechnic
- Possession of any display fireworks, aerial devices, or articles pyrotechnic.

### Requires permits

- Purchase or use of "firecracker" fireworks.

## CURRENT REGULATIONS

Under **chapter 132D**, HRS, display fireworks, aerial devices, and articles pyrotechnic may only be set off between 9:00 a.m. and 9:00 p.m.

## ILLEGAL FIREWORKS TASK FORCE

The Illegal Fireworks Task Force, comprised of state and federal agencies, has successfully intercepted and seized a total of 187,000 pounds of illegal fireworks transiting from the U.S. mainland to Hawaii. (Read more on page 2)



Please help the Department of Law Enforcement investigate illegal fireworks sellers and traffickers. Report illegal fireworks dealers!



Learn more about the Illegal Fireworks Taskforce at <https://bit.ly/illegalfireworkstf>

# THE ILLEGAL FIREWORKS TASKFORCE FINDINGS

Here are the findings reported from the Illegal Fireworks Taskforce (IFTF):

## INADEQUATE RESOURCES AND STAFFING

Hawaii Police departments reported they lack sufficient staff to address the increase of an overwhelming number of fireworks-related complaints.

- The 2010 report to the IFTF, Honolulu police handled 1,840 fireworks-related complaints while Hawaii police responded to 109.
  - Officers were often diverted to respond to more serious crimes.

## PROSECUTIONS

The Task Force also identified difficulties associated with fireworks prosecutions, particularly challenges in gathering evidence and meeting the high burden of proof necessary for convictions.

- The state constitution, which includes an explicit right to privacy, has more stringent search and seizure requirements than the federal constitution (2011 Taskforce Report).
- The 2019 law (**Act 248**) allows homeowners or renters to be charged with **a misdemeanor or Class C felony** for fireworks violations, depending on the weight of the fireworks involved.
  - The law also expanded the types of evidence that can be used to establish probable cause for arrest, including photographs, videos, or drone recordings.
  - Although, past experiences have shown issues with using drone footage for prosecution and many cases end up being dismissed.
- Maui prosecutors reported referring 20 fireworks cases between 2011 and 2019, charging 7, and obtaining 4 convictions.
  - They attributed the low prosecution rate to a lack of enforcement resources, the rigorous procedural requirements for criminal cases, and insufficient community support for enforcement.

## STORAGE AND DISPOSAL

Improper storage can lead to explosions, especially if the fireworks' packaging deteriorates or becomes wet.

- This process and the funding of storage is extremely expensive and dangerous
  - In April 2011, five workers were killed during the disposal of federally seized fireworks on Oahu.
  - In 2010, the Honolulu Police Department had a single storage facility—a **small bunker that cost \$1,500 per month**—which met safety specifications.
- The disposal of seized fireworks is complicated by federal safety protocols and state environmental laws, often requiring bomb disposal experts, sometimes from the mainland.

# THE ILLEGAL FIREWORKS TASKFORCE **RECOMMENDATIONS**

Here are the recommendations reported from the Illegal Fireworks Taskforce:

## **INCREASE FIREWORKS FEES AND FINES**

- Federal fireworks violations can result in penalties of up to **\$500,000 per offense**, contrasting this with the state's existing fines, which range from \$500 to \$2,000.
- The Legislature authorized county fire chiefs to charge a \$200 inspection fee (2011).
- The Hawaii Fire Department suggested increasing fees for fireworks import permits and using the extra revenue to significantly boost the **CrimeStoppers reward fund** for tips about illegal fireworks.

## **DECRIMINALIZE FIREWORKS OFFENSES IN FAVOR OF CIVIL FINES**

- The Task Force proposed that imposing **civil citations and fines** for fireworks violations could help address the high burden of proof required in criminal cases, making enforcement easier and potentially eliminating the need to store fireworks as evidence.

## **INCREASE RANDOM INSPECTIONS**

- The Task Force recommended increasing random inspections by:
  - **expanding inspection authority**
  - **focusing cargo inspections** to make the inspections more manageable.
    - Focusing inspections on suspect containers, shippers, and mixed or consolidated cargo, which involves shipments from multiple different individuals.
    - Conducting inspections at freight forwarder and common carrier locations to avoid congestion and inefficiencies at the ports.
    - Collecting and analyzing data to improve targeting and efficiency in the inspection process.
  - **more inspections of shipping containers** should be conducted.

## **EXPANDING INSPECTION AUTHORITY**

- The Task Force recommended expanding state domestic inspection authority beyond agricultural inspections to better address the issue of illegal fireworks
- Supported by the Department of Agriculture, it was suggested that Legislature assign inspection authority to **additional state agencies**.

# THE ILLEGAL FIREWORKS TASKFORCE **RECOMMENDATIONS** CONTINUED

## EDUCATION OR TRAINING

Public outreach and education as a proactive strategy to deter illegal fireworks

- The Task Force argued that educational campaigns would be particularly important if laws and fines were made more stringent.
- Creating a "clearinghouse of information" to guide employees on what to do if illegal fireworks are found, alongside distributing informational materials.

## BILLS ENACTED IN PREVIOUS LEGISLATIVE SESSIONS

### ACT 208 (2024)

- Authorizes law enforcement and fire officers to enter and inspect any licensee's or permittee's premises, under certain conditions.
- Establishes procedures for the Department of Law Enforcement to conduct administrative inspections of controlled premises.
- Requires certain licensees and permittees to keep records and maintain inventories.
- Requires licensees and permittees to report any stolen fireworks or articles pyrotechnic.
- Authorizes a law enforcement agency or county fire department to safely dispose of confiscated fireworks and articles pyrotechnic.
- Requires violators to be held liable for storage and disposal costs.
- Specifies that each type of prohibited firework constitutes a separate violation.

### ACT 67 (2023)

- Establishes the Illegal Fireworks Task Force within the Department of Law Enforcement to stop the importation of illegal fireworks and explosives into the State.
- Reports to the Legislature.
- Appropriates funds.

### ACT 248 (2019)

- Establishes liability for a person who is responsible for real property and allows an individual to possess or set off illegal aerial devices on the real property.
- Establishes criminal penalties.
- Clarifies that probable cause for arrest for fireworks offenses may be based on statements from witnesses and photographs, video, and other recordings.

**To report illegal fireworks sellers, please call (808) 517-2182**

**For more information please visit [www.law.hawaii.gov](http://www.law.hawaii.gov) or call (808) 587-5045**

