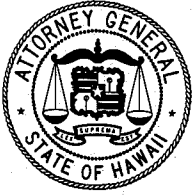


HB 2271 HD1

Measure Title:
RELATING TO EXPLOSIVES.

Report Title:
Prohibits dry ice bombs.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2010**

ON THE FOLLOWING MEASURE:

H.B. NO. 2271, H.D. 1, RELATING TO EXPLOSIVES.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

DATE: Thursday, March 11, 2010 **TIME:** 1:25 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Mark J. Bennett, Attorney General, or
Lance M. Goto, Deputy Attorney General

Chair Espero and Members of the Committee:

The Department of the Attorney General provides the following comments regarding this bill.

The purpose of this bill is to prohibit the manufacture, sale, transfer, possession, or transportation of dry ice bombs.

We are concerned about the definition of "dry ice bomb," as set out on page 2, lines 8-13, of the bill (emphasis added):

As used in this section, "dry ice bomb" means any sealed device containing dry ice or other chemically reactive substances assembled for the purpose of causing an explosion by a chemical reaction.

The definition is overly broad and ambiguous as it extends beyond explosives using dry ice, and includes "other chemically reactive substances assembled for the purpose of causing an explosion by a chemical reaction." This additional language could encompass many types of bombs and explosive devices that are already covered by the prohibition in section 134-8(a), Hawaii Revised Statutes:

The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any of the following is prohibited: . . . hand grenades, dynamite, blasting caps, bombs, or bombshells, or other explosives

The proposed offense under this bill is a misdemeanor, but the current offense under section 134-8(a) is a class C felony. The overlap of the two offenses could be interpreted to require prosecutors to charge the misdemeanor offense, instead of the felony, when dealing with cases involving chemically based explosives. This bill is intended to address the problem of dry ice bombs, and should be limited to that matter.

It should be noted that dry ice bombs do not involve a chemical reaction that produces a new substance. Dry ice bombs work because solid carbon dioxide warms and transitions to a gas phase. This involves a physical change, not a chemical one.



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Thursday March 11, 2010 @ 1:25 p.m. in CR 229

To: Committee on Public Safety and Military Affairs
Senator Will Espero, Chair
Senator Robert Burda, Vice Chair

By: Richard C. Botti, President
Lauren Zirbel, Government Relations
(LISH represents fireworks retailers a supplier)

RE: HB 2271 HD1 RELATING TO EXPLOSIVES

Chairs and Committee Members:

We support this measure as a necessary tool in the enforcement against the new generation of illegal explosives, which we believe come under the definition of an IED (improvised explosive device).

It is necessary that we have laws that are up to date to adequately address these dangerous items.

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Improving Life

One Breath at a Time

Founded in 1904, the
American Lung Association
includes affiliated associations
throughout the U.S.



TO: Senate Committee on Public Safety and Military Affairs

FOR: Hearing S cheduled for 1:25 p.m. Thursday March 11, 2010

**RE: TESTIMONY IN SUPPORT OF THE INTENT OF HB 2271, HD1
RELATING TO EXPLOSIVES**

Chair Espero, Vice Chair Bunda and Committee Members:

The American Lung Association in Hawaii supports any that measure seeks to reduce the impact of fireworks. However with over 175,000 people in Hawaii, or nearly 13 percent of our population, suffering from some type of lung disease that is made worse by exposure to the particulate smoke from fireworks, **we believe a ban on consumer fireworks including novelty items would do far more to protect our collective health** than would this measure aimed at halting the making of and use of dry ice bombs. Assuring the cleanest air for everyone in Hawaii is important, especially with the recent increase in volcanic activity that compounds the danger of fireworks.

Hawaii has the second highest rate in the nation for childhood asthma and many adults, especially the elderly, suffer from chronic lung disease including emphysema and COPD (Chronic Obstructive Pulmonary Disease). Even people who do not have lung problems often report eye, throat and lung irritation on New Year's Eve.

It is time to act responsibly and stop this willful disregard for the health of our fellow citizens, especially those who might be unable to speak for themselves – our children and the elderly. Specific action to ban all fireworks with an exemption for religious and cultural use is what is called for. **We support a statewide ban or, as an alternative, we strongly recommend adding language that allows counties to have the authority to regulate fireworks.**

Respectfully, submitted,

Jean Evans, MPH
Executive Director
American Lung Association in Hawaii

SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Thursday, March 11, 2010

1:25 p.m.

State Capitol Conference Room 229

TESTIMONY IN SUPPORT OF HOUSE BILL 2271 HD1 RELATING
TO EXPLOSIVES

Aloha, Chairperson Espero, Vice Chairperson Bunda and Committee Members.

My name is Jennifer Chiwa. Please support House Bill 2271 House Draft 1 which would strengthen existing laws on fireworks. As I said in my testimony in support of House Bill 1987 House Draft 2, a total ban of consumer fireworks except for public display would be far better, but if the majority of legislators do not see fireworks as an issue of health and safety for people and animals, and are not willing to stand with the Honolulu Police and Fire Departments in support of a total ban of consumer fireworks, then this bill is better than nothing. Thank you for the opportunity to testify.

Jennifer Chiwa

Marlene Uesugi

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 10, 2010 12:30 PM
To: PSM Testimony
Cc: rshpc1893@gmail.com
Subject: Testimony for HB2271 on 3/11/2010 1:25:00 PM
Attachments: TstfyHB187031010.pdf

TESTIMONY FOR PSM 3/11/2010 1:25:00 PM HB2271

CONFERENCE ROOM: 229
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: NO
SUBMITTED BY: RUSSELL HIRATA
ORGANIZATION: INDIVIDUAL
ADDRESS: 1893 HOOLEHUA STREET PEARL CITY
PHONE: 4563478
E-MAIL: RSHPC1893@GMAIL.COM
SUBMITTED ON: 3/10/2010

COMMENTS:

Date: 3/10/2010

To: Committee on Public Safety and Military Affairs
Senator Wil Espero, Chair; and Senator Robert Bunda, Vice Chair

From: Russell Hirata

RE: HB 1987, HD2, relating to Fireworks; and,
HB 2271, HD1, relating to Explosives

Hearing date/time: 3/11/2010, 1:25 PM
Location: State Capitol Conference Room 229

Dear Senators and Committee Members:

Rather than to re-invent the wheel, I am piggy-backing on a previously-submitted written testimony by Ann S. Freed, a copy of which is attached hereto. I echo the sentiments stated in her testimony.


In addition, I also believe that those few who are pro-fireworks argue that the opponents of fireworks disregard or are not sensitive to our cultural heritages somehow. Yet, I have never heard any intelligent explanation of how abolition of fireworks would harm anyone's cultural heritage. So far as I know, our right to worship under any religious belief of our choosing remains intact.

It is realistic that if a compromise is struck and fireworks were to be abolished to some degree, the end result would be a reduction of noise and smoke. I believe that this is what we are trying to accomplish for now. To that end, I urge you in the Legislature to enact necessary and effective legislation that is intended to curb such harmful activities.

Thank you for the opportunity to testify.

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
House Committee on Judiciary

Ann S. Freed



I am in **strong support** of HB 1987, HD1 RELATING TO FIREWORKS.

This bill adding the strict penalty of property forfeiture for violators of the law gives much-needed teeth to enforcement.

I am personally very sick, quite literally, of the noise and smoke that goes on for months at a time here on Oahu.

In the past five years this island has become a war zone for the months of December and January and to a certain extent July. Illegal fireworks are set off early in December and Continue past New Year's. In July the same thing happens.

Pyrotechnics are dangerous, produce horrendous noise and toxic smoke. They should be left to the experts and confined to public displays sanctioned by the counties.

The consequences of lax policies with respect to fireworks are grave. Those with allergies must stay indoors. Pets are terrified. Children are burned and/or killed. Houses burn down and property is damaged every year that this goes on. Not to mention the fact that most people can't even enjoy the peace of their own homes and are kept awake for many days before and after the holiday in question. The police can't seem to stop illegal displays that occur under the current law.


This past New Year's Eve I traveled to a party that was only a mile away and I couldn't read the street signs it was so smoky. There were numerous large types of fireworks in the middle of the road, all the more dangerous because I couldn't see them to avoid running over them.

I don't agree with those who believe that their "culture" demands a fireworks free-for-all at certain times of the year. Those who are proponents of this point of view should have compassion for the majority of the people who are tired of suffering from this selfish practice. The fire department is sick of having to deal with the consequences and we should help by putting a stop to it.

Please pass this bill out of committee.

Regards,

Ann S. Freed



Subject: HB 2271 HD1-RELATING TO EXPLOSIVES

Date: Thursday, March 11, 2010, at 1:25 p.m.

From: Danny Clark

To: PSMTestimony@Capitol.hawaii.gov.

Dear Committee Members:

The proliferation of aerial fireworks and "bombs" is outrageous. The people shooting off these things are not doing it for religious or cultural reasons; these types of fireworks have never been part of religious or cultural rites. They start shooting them off around Thanksgiving, and since when are fireworks a part of Christmas? It's hard to assist the police in identifying the culprits because the aerals are flying all over the place, and the loud "bombs" echo all around. It's like being in the middle of a battlefield; I don't believe most citizens like having this cacophony imposed on them year in and year out—it ruins the holidays for the majority of residents. If people want to see those kinds of pyrotechnics, they should go to a display conducted by professionals away from residential areas; it would be more sensible and safer. How many fires and injuries will it take to get action? When will there be some aloha for those with respiratory problems? Why should they have to lock themselves in an air-conditioned rooms during the holidays? Both the Fire Department and the Police Department support a total ban on fireworks; we should back them up. Banning fireworks is a no-brainer for those with brains.

Respectfully submitted,
Danny S. Clark
94-382 Keahuhiwa Street
Mililani, HI 96789
(808) 623-9177

FROM: MAILINGLIST@CAPITOL.HAWAII.GOV [MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]
SENT: WEDNESDAY, MARCH 10, 2010 11:50 AM
TO: PSM TESTIMONY
SUBJECT: TESTIMONY FOR HB2271 ON 3/11/2010 1:25:00 PM

TESTIMONY FOR PSM 3/11/2010 1:25:00 PM HB2271

CONFERENCE ROOM: 229
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: NO
SUBMITTED BY: STANN W. REIZISS, PH.D.
ORGANIZATION: INDIVIDUAL
ADDRESS:
PHONE:
SUBMITTED ON: 3/10/2010

COMMENTS:

SUPPORT HB 2271-HD1

PLEASE SUPPORT THE BANNING OF EXPLOSIVES AND OTHER FIREWORKS IN THE HANDS OF THE GENERAL PUBLIC.

AN INDIVIDUAL, OR GROUP SHOULD NOT HAVE THE RIGHT (FOR RELIGIOUS PURPOSES OR OTHERWISE) TO:

- TERRORIZE,
- ENDANGER THE PHYSICAL HEALTH AND/OR WELL-BEING OF OTHERS,
- DESTROY PUBLIC PROPERTY (INTENTIONALLY OR OTHERWISE)
- CREATE (AS A RESULT OF INTENDED OR UNINTENDED CONSEQUENCES) HAZARDOUS CONDITIONS FOR THE PUBLIC AT LARGE.
- PLACE GOVERNMENT SERVICE ORGANIZATIONS SUCH A THE POLICE, FIRE DEPARTMENT, AND EMERGENCY SERVICES, SECRET SERVICES (SAFE GUARDING VISITING DIGNITARIES) UNDER COSTLY HEIGHTENED ALERTS.

THE NUMBER ONE PRIMARY FUNCTIONS OF GOVERNMENT IS TO HELP KEEP ORDER, SETTLE CONFLICTS, AND PROTECT THE COMMUNITY.

PLEASE, IN THE SPIRIT OF GOOD GOVERNMENT, SUPPORT HB 2271-HD2

RESPECTFULLY SUBMITTED.