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# A BILL FOR AN ACT

RELATING TO FIREWORKS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Chapter 132D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§132D- Liability of property owner. A property owner  
5 who knowingly allows an individual to possess, set off, ignite,  
6 or otherwise cause to explode any aerial device while on the  
7 owner's property shall be deemed to be in violation of this  
8 chapter and shall be subject to the penalties thereunder."

9 SECTION 2. Section 132D-2, Hawaii Revised Statutes, is  
10 amended by amending the definition of "aerial device" to read as  
11 follows:

12 "Aerial device" means any fireworks [~~containing one~~  
13 ~~hundred thirty milligrams or less of explosive materials]~~ that  
14 produces an audible or visible effect and is designed to rise  
15 into the air and explode or detonate in the air or to fly about  
16 above the ground, and that is prohibited for use by any person  
17 who does not have a permit for display issued by a county under



1 section 132D-16. [~~"Aerial devices" classified as fireworks~~  
2 ~~under UN0336 and UN0337 by the United States Department of~~  
3 ~~Transportation as set forth in Title 49 Code of Federal~~  
4 ~~Regulations include firework items commonly known as bottle~~  
5 ~~rockets, sky rockets, missile type rockets, helicopters,~~  
6 ~~torpedoes, daygo bombs, roman candles, flying pigs, and jumping~~  
7 ~~jacks that move about the ground farther than a circle with a~~  
8 ~~radius of twelve feet as measured from the point where the item~~  
9 ~~was placed and ignited, aerial shells, and mines.] "~~

10 SECTION 3. Section 132D-20, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "§132D-20 Enforcement[-]; probable cause for arrest. (a)

13 This chapter shall be enforced by each county. The counties are  
14 authorized to enforce and administer the provisions of this  
15 chapter.

16 (b) Arrests for offenses under this chapter or under a  
17 county fireworks ordinance shall be made in compliance with  
18 chapter 803. Probable cause for the arrests may be established  
19 based on:



- 1        (1) Statements from individuals who witnessed the offense,
- 2                even if those individuals are not law enforcement
- 3                officers; and
- 4        (2) Photographs, video recordings, or other recordings
- 5                that show the commission of the offense and can be
- 6                authenticated by one or more witnesses."

7                SECTION 4. This Act does not affect rights and duties that

8 matured, penalties that were incurred, and proceedings that were

9 begun before its effective date.

10                SECTION 5. Statutory material to be repealed is bracketed

11 and stricken. New statutory material is underscored.

12                SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Fireworks; Arrests; Probable Cause

**Description:**

Allows probable cause for fireworks offenses to be established from statements from witnesses and photographs, video, and other recordings authenticated by witnesses. Simplifies definition of aerial device. Establishes offense applicable to property owners for firework possessed or set off on their property by others. (HB1172 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

