

STAND. COM. REP. NO. 355

Honolulu, Hawaii

February 13, 2019

RE: H.B. No. 89
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Public Safety, Veterans, & Military
Affairs, to which was referred H.B. No. 89 entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

begs leave to report as follows:

The purpose of this measure is to safeguard the public from
illegal fireworks by:

- (1) Establishing criminal liability for property owners who knowingly allow others to possess, set off, ignite, or otherwise cause to explode any aerial device while on their property; and
- (2) Clarifying that probable cause for arrest for fireworks offenses may be based on statements from witnesses and photographs, video recordings, and other recordings authenticated by witnesses.

The Hawaii State Fire Council, Honolulu Police Department, Poi Dogs & Popoki, and numerous concerned individuals supported this measure. Ho'omanapono Political Action Committee and a concerned individual opposed this measure. The Department of the Attorney General offered comments.

Your Committee has amended this measure by:


HB89 HD1 HSCR PVM HMS 2019-1983



- (1) Changing the state of mind from "knowingly" to "recklessly" for a property owner to be criminally liable;
- (2) Allowing probable cause for fireworks offenses to be established through the use of unmanned aerial vehicles; and
- (3) Changing its effective date to July 1, 2050, to encourage further discussion on this measure.

As affirmed by the record of votes of the members of your Committee on Public Safety, Veterans, & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 89, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 89, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Veterans, & Military Affairs,



GREGG TAKAYAMA, Chair



State of Hawaii
House of Representatives
The THIRTIETH Legislature

HSCR 355

Record of Votes of the Committee on Public Safety, Veterans, & Military Affairs

Bill/Resolution No.: <i>HB 89</i>	Committee Referral: <i>PVM, JUD</i>	Date: <i>02/08/19</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
PVM Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAYAMA, Gregg (C)	<i>✓</i>			
2. GATES, Cedric Asuega (VC)	<i>✓</i>			
3. KOBAYASHI, Dale T.	<i>✗ CG</i>	<i>✓</i>		
4. KONG, Sam Satoru	<i>✓</i>			
5. NISHIMOTO, Scott Y.	<i>✓</i>			
6. OHNO, Takashi	<i>✓</i>			
7. McDERMOTT, Bob				<i>✓</i>
TOTAL (7)	<i>5</i>	<i>1</i>		<i>1</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <i>[Signature]</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				