

STAND. COM. REP. NO. 1405

Honolulu, Hawaii

MAR 22 2019

RE: H.B. No. 89  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 89, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish liability for a person that owns or occupies real property that allows an individual to possess or set off illegal aerial devices on the real property; and
- (2) Clarify that probable cause for arrest for fireworks offenses may be based on statements from witnesses and photographs, video, and other recordings.

Your Committee received testimony in support of this measure from the Hawai'i State Fire Council; County of Hawai'i Fire Department; County of Kaua'i Fire Department; County of Maui Fire Department; City and County of Honolulu Police Department; City and County of Honolulu Fire Department; American Promotional Events, Inc.; Poi Dogs & Popoki; and three individuals. Your Committee received testimony in opposition to this measure from the Ho'omanapono Political Action Committee.



Your Committee finds that illegal fireworks pose a serious risk of injury and can be a noise nuisance to the community. Your Committee therefore finds that greater deterrents to illegal fireworks are necessary, as is consideration for the safe disposal of illegal fireworks once confiscated. Your Committee heard S.B. No. 1305 (Regular Session of 2019), a bill with similar goals that was previously passed by your Committee, and prefers the language in S.B. No. 1305, as it addresses your Committee's concerns about penalties for and the safe disposal of illegal fireworks.

Your Committee has amended this measure by deleting its contents and inserting the contents of S.B. No. 1305, which:

- (1) Allows law enforcement agencies to safely dispose of confiscated fireworks, except for a sample that is to be retained for evidentiary purposes;
- (2) Authorizes the court to establish a step-up fine structure based on the amount of fireworks confiscated and to impose a disposal fine to reimburse the counties for the costs of safely disposing of confiscated fireworks;
- (3) Establishes that each type of fireworks unlawfully imported, purchased, possessed, ignited, or discharged constitutes a separate offense;
- (4) Appropriates funds as a grant to the Honolulu Police Department for a secure container in which to store confiscated fireworks; and
- (5) Takes effect on July 1, 2019.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 89, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 89, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,  
Intergovernmental, and Military  
Affairs,

*Clarence K. Nishihara*

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CLARENCE K. NISHIHARA, Chair



