

Honolulu, Hawaii

APR 05 2019

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

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

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 89, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow law enforcement agencies to safely dispose of confiscated fireworks except for a sample that is to be retained for evidentiary purposes;
- (2) Authorize 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) Establish that each type of fireworks unlawfully imported, purchased, ignited, or discharged constitutes a separate offense; and
- (4) Appropriate funds as a grant to the Honolulu Police Department for a secure container in which to store confiscated fireworks.



Your Committees received testimony in support of this measure from the Hawaii State Fire Council and Maui Fire Department. Your Committees received comments on this measure from the Judiciary.

Your Committees find that illegal fireworks pose a serious risk of injury and can be a noise nuisance to the community. Your Committees further find that greater deterrents to illegal fireworks are necessary, as is consideration for the safe disposal of illegal fireworks once confiscated. However, your Committees additionally find that authorizing the courts to determine and establish a step-up fine structure based on the quantity of fireworks confiscated may be a policymaking determination that is inconsistent with the neutral adjudicative role of the courts to apply the law to the facts of individual cases. Your Committees also find that the imposition of a disposal fine to reimburse the counties may require the court to hold further hearings regarding the costs incurred by the counties, which could result in additional delays and procedural expenses.

Accordingly, your Committees have amended this measure by:

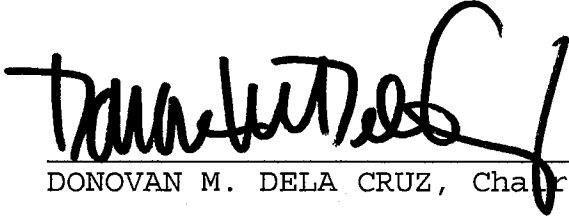
- (1) Authorizing the courts to impose an additional fine of up to \$100 per kilogram of fireworks confiscated instead of allowing the courts to establish a broad step-up fine structure based on the quantity of fireworks confiscated;
- (2) Removing the disposal fine as a reimbursement to the counties;
- (3) Removing language establishing that each type of fireworks unlawfully imported, purchased, ignited, or discharged constitutes a separate offense;
- (4) Inserting an effective date of March 15, 2094, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and



purpose of H.B. No. 89, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 89, H.D. 2, S.D. 2.

Respectfully submitted on behalf of the members of the Committees on Judiciary and Ways and Means,

  
DONOVAN M. DELA CRUZ, Chair

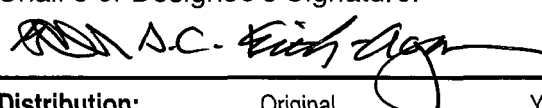
  
KARL RHOADS, Chair





The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB89 HD2 SD1	PSM, JDC/WAM	4/18/19 <sup>617</sup>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani				X
HARIMOTO, Breene				X
INOUYE, Lorraine R.	X			
KAHELE, Kaiali'i				X
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.	X			
RIVIERE, Gil	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	10			3
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes