

JAN 24 2019

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- Disposal of confiscated fireworks. A law
5 enforcement agency that confiscates fireworks pursuant to
6 enforcement of this chapter may safely destroy or dispose of the
7 confiscated fireworks; provided that the law enforcement agency
8 shall retain a sample of each type of confiscated fireworks for
9 evidentiary purposes."

10 SECTION 2. Section 132D-14, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§132D-14 Penalty. (a) Any person:
13 (1) Importing aerial devices, display fireworks, or
14 articles pyrotechnic without having a valid license
15 under section 132D-7 shall be guilty of a class C
16 felony;



1 (2) Purchasing, possessing, setting off, igniting, or
2 discharging aerial devices, display fireworks, or
3 articles pyrotechnic without a valid permit under
4 sections 132D-10 and 132D-16, or storing, selling, or
5 possessing aerial devices, display fireworks, or
6 articles pyrotechnic without a valid license under
7 section 132D-7:

8 (A) If the total weight of the aerial devices,
9 display fireworks, or articles pyrotechnic is
10 twenty-five pounds or more, shall be guilty of a
11 class C felony; or

12 (B) If the total weight of the aerial devices,
13 display fireworks, or articles pyrotechnic is
14 less than twenty-five pounds, shall be guilty of
15 a misdemeanor;

16 (3) Who transfers or sells aerial devices, display
17 fireworks, or articles pyrotechnic to a person who
18 does not have a valid permit under sections 132D-10
19 and 132D-16, shall be guilty of a class C felony; and

20 (4) Who removes or extracts the pyrotechnic contents from
21 any fireworks or articles pyrotechnic and uses the



1 contents to construct fireworks, articles pyrotechnic,
2 or a fireworks or articles pyrotechnic related device
3 shall be guilty of a misdemeanor.

4 (b) Except as provided in subsection (a) or as otherwise
5 specifically provided for in this chapter, any person violating
6 any other provision of this chapter, shall be fined not more
7 than \$2,000 for each violation[-]; provided that:

8 (1) The court may establish a fine structure that allows
9 for increased penalties based on the quantity of
10 fireworks confiscated; and

11 (2) The court may impose a conditional disposal fine to
12 reimburse the county in which the fireworks were
13 confiscated for the costs associated with safe
14 disposal of the confiscated fireworks.

15 (c) The court shall collect the fines imposed in
16 subsections (a) and (b) for violating this chapter and, of the
17 fines collected[-], other than those imposed pursuant to
18 subsection (b) (2), shall pay twenty per cent to the State and
19 eighty per cent to the county in which the fine was imposed
20 which shall be expended by the county for law enforcement
21 purposes.



1 (d) Notwithstanding any penalty set forth herein,
 2 violations of subsection (a)(1) or (3) may be subject to
 3 nuisance abatement proceedings provided in part V of chapter
 4 712.

5 (e) For the purposes of this section, each type of
 6 fireworks imported, purchased, possessed, ignited, or discharged
 7 shall constitute a separate offense."

8 SECTION 3. There is appropriated out of the general
 9 revenues of the State of Hawaii the sum of \$ or so
 10 much thereof as may be necessary for fiscal year 2019-2020 and
 11 the same sum or so much thereof as may be necessary for fiscal
 12 year 2020-2021 as a grant to the Honolulu police department to
 13 procure a secure container to store confiscated fireworks.

14 The sums appropriated shall be expended by the department
 15 of public safety for the purposes of this Act.

16 SECTION 4. This Act does not affect rights and duties that
 17 matured, penalties that were incurred, and proceedings that were
 18 begun before its effective date.

19 SECTION 5. Statutory material to be repealed is bracketed
 20 and stricken. New statutory material is underscored.

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1 SECTION 6. This Act shall take effect on July 1, 2019.

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INTRODUCED BY:

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[Signature]
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S.B. NO. 1305

Report Title:

Fireworks; Disposal; Fines; Separate Offenses; Honolulu Police Department; Appropriation

Description:

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

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

