

---

---

# 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) A property  
5 owner who knowingly allows an individual to possess, set off,  
6 ignite, discharge, or otherwise cause to explode any aerial  
7 device on the property owner's property shall be deemed to be in  
8 violation of this chapter and shall be subject to the penalties  
9 thereunder.

10           (b) For the purposes of this section, "property owner"  
11 means the possessor of a fee interest, a tenant, a lessee, an  
12 occupant, or a person in control of the premises."

13           SECTION 2. Section 132D-20, Hawaii Revised Statutes, is  
14 amended to read as follows:

15           "§132D-20 Enforcement[-]; probable cause for arrest. (a)  
16 This chapter shall be enforced by each county. The counties are



1 authorized to enforce and administer the provisions of this  
2 chapter.

3 (b) An arrest for an offense under this chapter or under a  
4 county fireworks ordinance shall be made in compliance with  
5 chapter 803. Probable cause for arrest may be established based  
6 on:

7 (1) A statement from an individual who witnessed the  
8 offense, whether or not the individual is a law  
9 enforcement officer; and

10 (2) A photograph, video recording, or other recording of  
11 the commission of the offense that can be  
12 authenticated by one or more witnesses; provided that  
13 for the purposes of this section, "other recording"  
14 includes a recording, whether a photograph or a video,  
15 made using an unmanned aerial vehicle; provided  
16 further that a recording made using an unmanned aerial  
17 vehicle shall be exempt from the requirement of  
18 authentication by one or more witnesses and may be  
19 submitted anonymously to law enforcement."



1 SECTION 3. This Act does not affect rights and duties that  
 2 matured, penalties that were incurred, and proceedings that were  
 3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed  
 5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.  
 7

INTRODUCED BY:

[Signature]  
Mark J. Hall

[Signature]  
David Parnes

[Signature]  
Carl [unclear]  
[Signature]

[Signature]

Calvin K. Boy

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]  
Amy Parnes



# H.B. NO. 1096

**Report Title:**

Fireworks; Property Owner Liability; Arrest; Probable Cause

**Description:**

Establishes property owner liability for illegal aerial devices possessed or set off on their property by others. Allows probable cause for fireworks offenses to be established from statements from witnesses and photographs, video, or other recordings authenticated by witnesses. Allows probable cause for fireworks offenses to be established from anonymous recordings made using an unmanned aerial vehicle.

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

