JAN 2 3 2020

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- Civil penalty. (a) Notwithstanding any law to 5 the contrary, any person who violates this chapter shall be 6 subject to a civil penalty. 7 (b) When determining any civil penalty under this section, 8 the court of competent jurisdiction may assume the expectation 9 of non-disturbance by an illegal act and may take the following 10 into consideration: 11 (1) The date of the violation, including whether the 12 violation occurred on or near a holiday or 13 celebration; 14 (2) Time of day of the violation; 15 (3) The location of the violation;

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1	(4) Any harm to a person or damage to property resulting
2	from the violation, including the extent of the harm
3	or damage; and
4	(5) Type of aerial devices, display fireworks, or articles
5	pyrotechnic discharged.
6	(c) For any alleged violation under this section, the
7	presence of any paraphernalia necessary to the discharge of
8	aerial devices, display fireworks, or articles pyrotechnic on
9	premises controlled by the alleged violator shall create a
10	rebuttable presumption that the person in possession of the
11	paraphernalia did discharge such devices.
12	(d) For any alleged violation under this section, a valid
13	police report shall create a rebuttable presumption that the
14	information therein is true and correct for purposes of this
15	section."
16	SECTION 2. New statutory material is underscored.
17	SECTION 3. This Act shall take effect upon its approval.
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	INTRODUCED BY:

S.B. NO. **2947**

Report Title:

Fireworks; Civil Penalties; Presumption

Description:

Imposes civil penalties for violations related to possession and use of fireworks. Creates a rebuttal presumption of use of fireworks when firework paraphernalia is in possession of the alleged violator.

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