
A BILL FOR AN ACT

RELATING TO FIREWORKS INFRACTIONS.

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 part to be appropriately designated and
3 to read as follows:

4 **"PART . ADJUDICATION OF FIREWORKS INFRACTIONS**

5 **§132D-A Definitions.** As used in this part:

6 "Concurrent trial" means a trial proceeding held in the
7 district or family court in which the defendant is tried
8 simultaneously in a civil case for any charged fireworks
9 infraction and in a criminal case for any related criminal
10 offense, with trials to be held in one court on the same date
11 and at the same time.

12 "Fireworks infraction" means any violation of this chapter,
13 any rule adopted pursuant to this chapter, or any county
14 ordinance or rule enacted pursuant to this chapter.

15 "Hearing" means a proceeding conducted by the district
16 court pursuant to section 132D-G at which the defendant to whom
17 a notice of infraction was issued either admits to the



1 infraction, contests the notice of infraction, or admits to the
2 infraction but offers an explanation to mitigate the monetary
3 assessment imposed.

4 "Notice of infraction" means the citation form that is
5 issued to the defendant at or after the time of the fireworks
6 infraction and notifies the defendant of the civil infraction
7 the defendant is charged with committing, whatever its title or
8 denomination.

9 "Related criminal offense" means any criminal violation or
10 crime, committed in the same course of conduct as a fireworks
11 infraction, for which the defendant is arrested or charged.

12 "Trial" means a trial conducted by the district court
13 pursuant to the rules of the district court and Hawaii rules of
14 evidence.

15 **§132D-B Applicability.** (a) Except as provided in 132D-
16 14(a) or as otherwise specifically provided for in this chapter,
17 all fireworks infractions, including fireworks infractions
18 committed by minors, shall be adjudicated pursuant to this
19 chapter, except as provided in subsection (b). This chapter
20 shall be applied uniformly throughout the State and in all
21 counties. Except as specifically provided otherwise in this



1 chapter, no fireworks infraction shall be classified as a
2 criminal offense.

3 (b) Where a defendant is charged with a fireworks
4 infraction and the infraction is committed in the same course of
5 conduct as a criminal offense for which the offender is arrested
6 or charged, the fireworks infraction shall be adjudicated
7 pursuant to this part; provided that the court may schedule any
8 initial appearance, hearing, or trial on the fireworks
9 infraction at the same date, time, and place as the arraignment,
10 hearing, or trial on the related criminal offense.

11 Notwithstanding this subsection and subsection (c), the
12 court shall not schedule any initial appearance, hearing, or
13 trial on the fireworks infraction at the same date, time, and
14 place as the arraignment, hearing, or trial on the related
15 criminal offense where the related criminal offense is a felony
16 or misdemeanor for which the defendant has demanded a jury
17 trial.

18 (c) If the defendant requests a trial pursuant to section
19 132D-K, the trial shall be held in the district court of the
20 circuit in which the fireworks infraction was committed. If the
21 court schedules a concurrent trial pursuant to paragraph (1),



1 the concurrent trial shall be held in the appropriate district
2 or family court of the circuit in which the fireworks infraction
3 was committed, whichever has jurisdiction over the related
4 criminal offense charged pursuant to the applicable statute or
5 rule of court; provided that:

6 (1) The district or family court, for the purpose of
7 trial, may schedule a civil trial on the fireworks
8 infraction on the same date and at the same time as a
9 criminal trial on the related criminal offense
10 charged. The court shall enter a civil judgment as to
11 the fireworks infraction and a judgment of conviction
12 or acquittal as to the related criminal offense
13 following such concurrent trial; and

14 (2) If trial on the fireworks infraction is held
15 separately from and prior to trial on any related
16 criminal offense, the following shall be inadmissible
17 in the prosecution or trial of the related criminal
18 offense, except as expressly provided by the Hawaii
19 rules of evidence:



1 (A) Any written or oral statement made by the
2 defendant in proceedings conducted pursuant to
3 section 132D-F(b); and

4 (B) Any testimony given by the defendant in the trial
5 on the fireworks infraction.

6 Such statements or testimony shall not be deemed a
7 waiver of the defendant's privilege against self-
8 incrimination in connection with any related criminal
9 offense.

10 (d) In no event shall section 701-109 preclude prosecution
11 for a related criminal offense where a fireworks infraction
12 committed in the same course of conduct has been adjudicated
13 pursuant to this part.

14 (e) If the defendant fails to appear at any scheduled
15 court date prior to the date of trial or concurrent trial and:

16 (1) The defendant's civil liability for the fireworks
17 infraction has not yet been adjudicated pursuant to
18 section 132D-G, the court shall enter a judgment by
19 default in favor of the State for the fireworks
20 infraction unless the court determines that good cause



1 or excusable neglect exists for the defendant's
2 failure to appear; or
3 (2) The defendant's civil liability for the fireworks
4 infraction has been previously adjudicated pursuant to
5 section 132D-G, the judgment earlier entered in favor
6 of the State shall stand unless the court determines
7 that good cause or excusable neglect exists for the
8 defendant's failure to appear.

9 (f) If the defendant fails to appear at any scheduled
10 court date prior to concurrent trial or fails to appear for
11 concurrent trial scheduled pursuant to subsection (c)(1), the
12 court shall enter a disposition pursuant to the Hawaii rules of
13 penal procedure for the criminal offense.

14 **§132D-C Venue and jurisdiction.** (a) All fireworks
15 infractions shall be adjudicated in the district and circuit
16 courts where the alleged infraction occurred, except as
17 otherwise provided by law.

18 (b) Except as otherwise provided by law, jurisdiction is
19 in the district court of the circuit where the alleged fireworks
20 infraction occurred. Except as otherwise provided in this



1 chapter, district court judges shall adjudicate fireworks
2 infractions.

3 **§132D-D Notice of infraction; form; determination final**
4 **unless contested.** (a) The notice of infraction shall include
5 the summons for the purposes of this part. Whenever a notice of
6 infraction is issued, the defendant's signature, driver's
7 license number or state identification number, current address,
8 and electronic mail address shall be noted on the notice. If
9 the defendant refuses to sign the notice of infraction, the law
10 enforcement officer shall record this refusal on the notice and
11 issue the notice to the defendant. Individuals to whom a notice
12 of infraction is issued under this part need not be arraigned
13 before the court, unless required by rule of the supreme court.

14 (b) The form for the notice of infraction shall be
15 prescribed by rules of the district court, which shall be
16 uniform throughout the State; provided that each judicial
17 circuit may include differing statutory, rule, or ordinance
18 provisions on its respective notice of infraction.

19 (c) A notice of infraction that is generated by the use of
20 electronic equipment or that bears the electronically stored



1 image of any person's signature, or both, shall be valid under
2 this part.

3 (d) The notice of infraction shall include the following:

4 (1) A statement of the specific fireworks infraction for
5 which the notice was issued;

6 (2) A brief statement of the facts;

7 (3) A statement of the total amount to be paid for each
8 fireworks infraction, which amount shall include any
9 fee, surcharge, or cost required by statute,
10 ordinance, or rule, and the monetary assessment
11 established pursuant to section 132D-H, to be paid by
12 the defendant;

13 (4) A statement of the options provided in section
14 132D-E(b) for answering the notice and the procedures
15 necessary to exercise the options;

16 (5) A statement that the defendant to whom the notice is
17 issued must answer, choosing one of the options
18 specified in section 132D-E(b), within twenty-one days
19 of issuance of the notice;

20 (6) A statement that failure to answer the notice of
21 infraction within twenty-one days of issuance shall



1 result in the entry of judgment by default for the
2 State and may result in the assessment of a late
3 penalty;

4 (7) A statement that, at a hearing requested to contest
5 the notice of infraction conducted pursuant to section
6 132D-G, no law enforcement officer shall be present
7 unless the defendant timely requests the court to have
8 the law enforcement officer present, and that the
9 standard of proof to be applied by the court is
10 whether a preponderance of the evidence proves that
11 the specified infraction was committed;

12 (8) A statement that, at a hearing requested for the
13 purpose of explaining mitigating circumstances
14 surrounding the commission of the fireworks infraction
15 or in consideration of a written request for
16 mitigation, the defendant shall be considered to have
17 committed the fireworks infraction;

18 (9) A space in which the signature of the defendant to
19 whom the notice of infraction was issued may be
20 affixed; and



1 (10) The date, time, and place at which the defendant to
2 whom the notice of infraction was issued must appear
3 in court, if the defendant is required by the notice
4 to appear in person at the hearing.

5 **§132D-E Answer required.** (a) A defendant who receives a
6 notice of infraction shall answer the notice within twenty-one
7 days of the date of issuance of the notice. There shall be
8 included with the notice of infraction a preaddressed envelope
9 directed to the designated district court.

10 (b) Provided that the notice of infraction does not
11 require an appearance in person at a hearing as set forth in
12 section 132D-D(d)(10), in answering a notice of infraction, a
13 defendant shall have the following options:

14 (1) Admit the commission of the fireworks infraction in
15 one of the following ways:

16 (A) By mail or in person, by completing the
17 appropriate portion of the notice of infraction
18 or preaddressed envelope and submitting it to the
19 authority specified on the notice together with
20 payment of the total amount stated on the notice
21 of infraction. Payment by mail shall be in the



1 form of a check, money order, or by an approved
2 credit or debit card. Payment in person shall be
3 in the form of United States currency, check,
4 money order, or by an approved credit or debit
5 card; or

6 (B) Via the Internet or by telephone, by submitting
7 payment of the total amount stated on the notice
8 of infraction. Payment via the Internet or by
9 telephone shall be by an approved credit or debit
10 card;

11 (2) Deny the commission of the fireworks infraction and
12 request a hearing to contest the fireworks infraction
13 by completing the appropriate portion of the notice of
14 infraction or preaddressed envelope and submitting it,
15 either by mail or in person, to the authority
16 specified on the notice. In lieu of appearing in
17 person at a hearing, the defendant may submit a
18 written statement of grounds on which the defendant
19 contests the notice of infraction, which shall be
20 considered by the court as a statement given in court
21 pursuant to section 132D-G(a); or



1 (3) Admit the commission of the fireworks infraction and
2 request a hearing to explain circumstances mitigating
3 the fireworks infraction by completing the appropriate
4 portion of the notice of infraction or preaddressed
5 envelope and submitting it, either by mail or in
6 person, to the authority specified on the notice. In
7 lieu of appearing in person at a hearing, the
8 defendant may submit a written explanation of the
9 mitigating circumstances, which shall be considered by
10 the court as a statement given in court pursuant to
11 section 132D-G(b).

12 (c) When answering the notice of infraction, the defendant
13 shall affix the defendant's signature to the answer and shall
14 state the address at which the defendant will accept future
15 mailings from the court. No other response shall constitute an
16 answer for purposes of this part.

17 **§132D-F Court action after answer or failure to answer.**

18 (a) When an admitting answer is received, the court shall enter
19 judgment in favor of the State in the total amount specified in
20 the notice of infraction.



1 (b) When a denying answer is received, the court shall
2 proceed as follows:

3 (1) In the case of a fireworks infraction where the
4 defendant requests a hearing at which the defendant
5 will appear in person to contest the fireworks
6 infraction, the court shall notify the defendant in
7 writing of the date, time, and place of hearing to
8 contest the notice of infraction. The notice of
9 hearing shall be mailed to the address provided by
10 defendant in the denying answer, or if none is given,
11 to the address provided by defendant when the notice
12 of infraction was issued, or if none was provided, to
13 the electronic mail address provided by defendant when
14 the notice of infraction was issued. The notification
15 shall also advise the defendant that, if the defendant
16 fails to appear at the hearing, the court shall enter
17 judgment by default in favor of the State, as of the
18 date of the scheduled hearing, that the total amount
19 specified in the default judgment must be paid within
20 thirty days of entry of default judgment; and



1 (2) When a denying answer is accompanied by a written
2 statement of the grounds on which the defendant
3 contests the notice of infraction, the court shall
4 proceed as provided in section 132D-G(a) and shall
5 notify the defendant of its decision, including the
6 total amount assessed, if any, by mailing the notice
7 of entry of judgment within forty-five days of the
8 postmarked date of the answer to the address provided
9 by the defendant in the denying answer, or if none is
10 given, to the address provided by defendant when the
11 notice of infraction was issued, or if none was
12 provided, to the electronic mail address provided by
13 defendant when the notice of infraction was issued.
14 The notice of entry of judgment shall also advise the
15 defendant, if it is determined that the fireworks
16 infraction was committed and judgment is entered in
17 favor of the State, that the defendant has the right,
18 within thirty days of entry of judgment, to request a
19 trial and shall specify the procedures for doing so.
20 The notice of entry of judgment shall also notify the
21 defendant, if an amount is assessed by the court for



1 monetary assessments, fees, surcharges, or costs, that
2 if the defendant does not request a trial within the
3 time specified in this paragraph, the total amount
4 assessed shall be paid within thirty days of entry of
5 judgment.

6 (c) When an answer admitting commission of the firework
7 infraction but seeking to explain mitigating circumstances is
8 received, the court shall proceed as follows:

9 (1) In the case of a fireworks infraction where the
10 defendant requests a hearing at which the defendant
11 will appear in person to explain mitigating
12 circumstances, the court shall notify the defendant in
13 writing of the date, time, and place of the hearing to
14 explain mitigating circumstances. The notice of
15 hearing shall be mailed to the address provided by the
16 defendant in the answer, or if none is given, to the
17 address provided by the defendant when the notice of
18 infraction was issued, or if none was provided, to the
19 electronic mail address provided by the defendant when
20 the notice of infraction was issued. The notification
21 shall also advise the defendant that, if the defendant



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1 fails to appear at the hearing, the court shall enter
2 judgment by default in favor of the State, as of the
3 date of the scheduled hearing, and that the total
4 amount stated in the default judgment must be paid
5 within thirty days of entry of default judgment; and

6 (2) If a written explanation is included with an answer
7 admitting commission of the fireworks infraction, the
8 court shall enter judgment for the State and, after
9 reviewing the explanation, determine the total amount
10 of the monetary assessments, fees, surcharges, or
11 costs to be assessed, if any. The court shall then
12 notify the defendant of the total amount to be paid
13 for the fireworks infraction, if any. There shall be
14 no appeal from the judgment. If the court assesses an
15 amount for monetary assessments, fees, surcharges, or
16 costs, the court shall also notify the defendant that
17 the total amount shall be paid within thirty days of
18 entry of judgment.

19 (d) If the defendant fails to answer within twenty-one
20 days of issuance of the notice of infraction, the court shall
21 take action as provided in subsection (e).



1 (e) Whenever judgment by default in favor of the State is
2 entered, the court shall mail a notice of entry of default
3 judgment to the address provided by the defendant when the
4 notice of infraction was issued, or if none was provided, to the
5 electronic mail address provided by defendant when the notice of
6 infraction was issued. The notice of entry of default judgment
7 shall advise the defendant that the total amount specified in
8 the default judgment shall be paid within thirty days of entry
9 of default judgment and shall explain the procedure for setting
10 aside a default judgment. Judgment by default for the State
11 entered pursuant to this part may be set aside pending final
12 disposition of the fireworks infraction upon written application
13 of the defendant and posting of an appearance bond equal to the
14 amount of the total amount specified in the default judgment and
15 any other assessment imposed pursuant to section 132D-H. The
16 application shall show good cause or excusable neglect for the
17 defendant's failure to take action necessary to prevent entry of
18 judgment by default. Thereafter, the court shall determine
19 whether good cause or excusable neglect exists for the
20 defendant's failure to take action necessary to prevent entry of
21 judgment by default. If so, the application to set aside



1 default judgment shall be granted, the default judgment shall be
2 set aside, and the notice of infraction shall be disposed of
3 pursuant to this part. If not, the application to set aside
4 default judgment shall be denied, the appearance bond shall be
5 forfeited and applied to satisfy amounts due under the default
6 judgment, and the notice of infraction shall be finally
7 disposed. In either case, the court shall determine the
8 existence of good cause or excusable neglect and notify the
9 defendant of its decision on the application in writing.

10 **§132D-G Hearings.** (a) In proceedings to contest a notice
11 of infraction where the defendant to whom the notice was issued
12 has timely requested a hearing and appears at the hearing:

13 (1) In lieu of the personal appearance by the law
14 enforcement officer who issued the notice of
15 infraction, the court shall consider the notice of
16 infraction and any other written report made by the
17 law enforcement officer, if provided to the court by
18 the law enforcement officer, together with any oral or
19 written statement by the defendant to whom the notice
20 of infraction was issued;



1 (2) The standard of proof to be applied by the court shall
2 be whether, by a preponderance of the evidence, the
3 court finds that the fireworks infraction was
4 committed; and

5 (3) After due consideration of the evidence and arguments,
6 if any, the court shall determine whether commission
7 of the fireworks infraction has been established.
8 Where the commission of the fireworks infraction has
9 not been established, judgment in favor of the
10 defendant, dismissing the notice of infraction or any
11 count therein with prejudice, shall be entered in the
12 record. Where it has been established that the
13 fireworks infraction was committed, the court shall
14 enter judgment in favor of the State and shall assess
15 a monetary assessment pursuant to section 132D-H,
16 together with any fees, surcharges, or costs. The
17 court also shall inform the defendant of the right to
18 request a trial pursuant to section 132D-K. If the
19 defendant requests a trial at the time of the hearing,
20 the court shall provide the defendant with the trial
21 date as soon as practicable.



1 (b) In proceedings to explain mitigating circumstances
2 where the defendant to whom the notice of infraction was issued
3 has timely requested a hearing and appears at the hearing:

4 (1) The procedure shall be limited to the issue of
5 mitigating circumstances. A defendant who requests to
6 explain the circumstances shall not be permitted to
7 contest the notice of infraction;

8 (2) After the court has received the explanation, the
9 court may enter judgment in favor of the State and may
10 assess a monetary assessment pursuant to section
11 132D-H, together with any fees, surcharges, or costs;

12 (3) The court, after receiving the explanation, may vacate
13 the admission and enter judgment in favor of the
14 defendant, dismissing the notice of infraction or any
15 count therein with prejudice, where the explanation
16 establishes that the infraction was not committed; and

17 (4) There shall be no appeal from the judgment.

18 (c) If a defendant for whom a hearing has been scheduled
19 to contest the notice of infraction or to explain mitigating
20 circumstances fails to appear at the hearing, the court shall



1 enter judgment by default for the State and take action as
2 provided in section 132D-F(e).

3 **§132D-H Monetary assessments.** (a) A defendant found to
4 have committed a fireworks infraction shall be assessed a
5 monetary assessment pursuant to section 132D-14.

6 (b) In addition to any monetary assessment imposed for a
7 fireworks infraction, the court may impose additional
8 assessments for:

9 (1) Failure to pay a monetary assessment by the scheduled
10 date of payment;

11 (2) The cost of service of a penal summons issued pursuant
12 to this part; or

13 (3) The administrative costs of \$20 for each noncompliance
14 with a rule associated with the processing of
15 fireworks infractions, in addition to any monetary
16 assessment imposed by the court, whether or not such
17 monetary assessment is suspended.

18 (c) The clerk of the district court shall deposit the
19 administrative costs collected into the judiciary computer
20 system special fund pursuant to section 601-3.7.



1 (d) The court may grant to a defendant claiming inability
2 to pay an extension of the period in which the monetary
3 assessment shall be paid or may impose community service in lieu
4 of the monetary assessment.

5 **§132D-I Time computation.** In computing any period of time
6 prescribed or allowed by this part, the day of the act, event,
7 or default from which the period of time begins to run shall not
8 be included. The last day of the period so computed shall be
9 included, unless it is a Saturday, Sunday, or legal holiday, in
10 which event the period runs until the end of the next day that
11 is not a Saturday, Sunday, or legal holiday. Intermediate
12 Saturdays, Sundays, and legal holidays shall be included.
13 Whenever an act required to be performed under this part may be
14 accomplished by mail, the act shall be deemed to have been
15 performed on the date of the postmark on the mailed article.

16 **§132D-J Powers of the district court judge hearing cases**
17 **pursuant to this part.** (a) A district court judge hearing
18 cases pursuant to this part shall have all the powers of a
19 district court judge under chapter 604, including the following
20 powers:



- 1 (1) To conduct fireworks infraction hearings and impose
2 monetary assessments;
- 3 (2) To permit deferral of monetary assessments or impose
4 community service in lieu of monetary assessments;
- 5 (3) To dismiss a notice of infraction, with or without
6 prejudice, or set aside a judgment for the State;
- 7 (4) To issue penal summonses and bench warrants and
8 initiate contempt of court proceedings in proceedings
9 conducted pursuant to section 132D-K;
- 10 (5) To issue penal summonses and bench warrants and
11 initiate failure to appear proceedings in proceedings
12 conducted pursuant to section 132D-D(d)(10); and
- 13 (6) To exercise other powers the court finds necessary and
14 appropriate to carry out the purposes of this part.

15 **§132D-K Trial and concurrent trial.** (a) There shall be
16 no right to trial unless the defendant contests the notice of
17 infraction pursuant to section 132D-G. If, after proceedings to
18 contest the notice of infraction, a determination is made that
19 the defendant committed the fireworks infraction, judgment shall
20 enter in favor of the State. The defendant may request a trial
21 pursuant to the Hawaii rules of evidence and the rules of the



1 district court; provided that any request for trial shall be
2 made within thirty days of entry of judgment. If, after
3 appearing in person at a hearing to contest the notice of
4 infraction, the defendant requests a trial at the conclusion of
5 the hearing, the court shall provide the defendant with the
6 trial date as soon as practicable.

7 (b) At the time of trial, the State shall be represented
8 by a prosecuting attorney of the county in which the fireworks
9 infraction occurred. The prosecuting attorney shall orally
10 recite the charged infraction in court prior to commencement of
11 the trial. Proof of the defendant's commission of the fireworks
12 infraction shall be by a preponderance of the evidence.

13 (c) Appeals from judgments entered after a trial on the
14 notice of infraction may be taken in the manner provided for
15 appeals from district court civil judgments.

16 (d) If trial on the fireworks infraction is held prior to
17 trial on any related criminal offense, the following shall be
18 inadmissible in the subsequent prosecution or trial of the
19 related criminal offense:



1 (1) Any written or oral statement made by the defendant in
2 proceedings conducted pursuant to section 132D-F(b);
3 and

4 (2) Any testimony given by the defendant in the trial on
5 the fireworks infraction.

6 The statement or testimony, or both, shall not be deemed a
7 waiver of the defendant's privilege against self-incrimination
8 in connection with any related criminal offense.

9 (e) In any concurrent trial, the State shall be
10 represented by a prosecuting attorney of the county in which the
11 fireworks infraction and related crime occurred. Proof of the
12 defendant's commission of the fireworks infraction shall be by a
13 preponderance of the evidence, and proof of the related criminal
14 offense shall be by proof beyond a reasonable doubt. The
15 concurrent trial shall be conducted pursuant to the rules of the
16 appropriate court, Hawaii rules of evidence, and Hawaii rules of
17 penal procedure.

18 **§132D-L Rules.** (a) The supreme court may adopt rules of
19 procedure for the conduct of all proceedings pursuant to this
20 part.



1 (b) Chapter 626 shall not apply in proceedings conducted
2 pursuant to this part, except for the rules governing privileged
3 communications, and proceedings conducted under section 132D-K.

4 (c) Notwithstanding section 604-17, while the court is
5 sitting in any matter pursuant to this part, the court shall not
6 be required to preserve the testimony or proceedings, except
7 proceedings conducted pursuant to section 132D-K and proceedings
8 in which the fireworks infraction is heard on the same date and
9 time as any related criminal offense.

10 (d) The prosecuting attorney shall not participate in
11 fireworks infraction proceedings conducted pursuant to this
12 part, except proceedings pursuant to section 132D-K and
13 proceedings in which a related criminal offense is scheduled for
14 arraignment, hearing, or concurrent trial.

15 (e) Chapter 91 shall not apply in proceedings before the
16 court.

17 (f) Except as otherwise provided in section 132D-B,
18 chapter 571 and the Hawaii family court rules shall not apply in
19 any proceedings conducted pursuant to this part."



1 SECTION 2. Chapter 132D, Hawaii Revised Statutes, is
2 amended by designating sections 132D-1 to 132D-21 as part I and
3 inserting a title before section 132D-1 to read as follows:

4 **"PART I. GENERAL PROVISIONS"**

5 SECTION 3. Section 132D-14, Hawaii Revised Statutes, is
6 amended as follows:

7 1. By amending its title to read:

8 **"§132D-14 Penalty[-]; fireworks infractions."**

9 2. By amending subsection (b) as follows:

10 "(b) Except as provided in subsection (a) or as otherwise
11 specifically provided for in this chapter, any person violating
12 any other provision of this chapter, shall be fined not more
13 than \$2,000 for each violation, subject to the adjudication
14 proceedings under part . Notwithstanding any provision to
15 the contrary in this section, any person violating section 132D-
16 14.5 shall be fined at least \$500 and no more than \$2,000,
17 subject to the adjudication proceedings under part ."

18 SECTION 4. Section 571-41, Hawaii Revised Statutes, is
19 amended by amending subsection (f) to read as follows:

20 "(f) The judge, or the senior judge if there is more than
21 one, may by order confer concurrent jurisdiction on a district



1 court created under chapter 604 to hear and dispose of cases of
2 violation of traffic laws or ordinances, or fireworks infraction
3 rules established pursuant to part of chapter 132D, by
4 children, provision to the contrary in section 571-11 or
5 elsewhere notwithstanding. The exercise of jurisdiction over
6 children by district courts shall, nevertheless, be considered
7 noncriminal in procedure and result in the same manner as though
8 the matter had been adjudicated and disposed of by a family
9 court."

10 SECTION 5. Section 601-3.7, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) There is established in the state treasury a special
13 fund to be known as the judiciary computer system special fund,
14 which shall contain the following:

15 (1) Moneys collected from administrative fees pursuant to
16 section 287-3(a);

17 (2) Fees prescribed by the supreme court by rule of court
18 for electronic document certification, electronic
19 copies of documents, and for providing bulk access to
20 electronic court records and compilations of data; and



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1 (3) Fees pursuant to sections 607-4(b)(10) [~~and~~],
2 607-5(c)(32) [~~-~~], and 132D-H(b)(3)."

3 SECTION 6. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 7. In codifying the new sections added by section
7 1 of this Act, the revisor of statutes shall substitute
8 appropriate section numbers for the letters used in designating
9 the new sections in this Act.

10 SECTION 8. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 9. This Act shall take effect upon its approval.

13

INTRODUCED BY:



JAN 27 2021



H.B. NO. 1245

Report Title:

Fireworks; Fireworks Infractions; Adjudication; Judiciary

Description:

Establishes an expeditious adjudication system for the processing of fireworks infractions.

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

