
A BILL FOR AN ACT

RELATING TO FIREWORKS INFRACTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the enforcement of
2 the fireworks control law is wanting. The legislature further
3 finds that enforcement is necessary to protect property from
4 avoidable fire damage and to protect persons from fire- and
5 explosion-related injuries, respiratory distress caused by the
6 air pollution, and retraumatizing afflicted persons with the
7 loud explosions.

8 The legislature further finds that alternative enforcement
9 mechanisms should be considered to promote compliance with the
10 fireworks control law. One alternative enforcement mechanism
11 would be an expeditious adjudication system for fireworks
12 infractions, similar to the system for processing traffic
13 infractions. This system would allow the judiciary to
14 expediently process violations of the fireworks control law,
15 allowing the judiciary to reserve resources for the cases that
16 require the resources.



1 The purpose of this Act is to establish an expeditious
2 adjudication system for processing fireworks infractions,
3 similar to the system for processing traffic infractions.

4 SECTION 2. The Hawaii Revised Statutes is amended by
5 adding a new chapter to title 38 to be appropriately designated
6 and to read as follows:

7 **"CHAPTER**

8 **ADJUDICATION OF FIREWORKS INFRACTIONS**

9 § -1 **Definitions.** As used in this chapter:

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

16 "Fireworks infraction" means any violation of chapter 132D,
17 any rule adopted pursuant to chapter 132D, or any county
18 ordinance or rule enacted pursuant to chapter 132D.

19 "Hearing" means a proceeding conducted by the district
20 court pursuant to section -7 at which the defendant to whom a
21 notice of infraction was issued either admits to the infraction,



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

3 "Notice of infraction" means the citation form that is
4 issued to the defendant at or after the time of the fireworks
5 infraction and notifies the defendant of the infraction the
6 defendant is charged with committing.

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

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

13 § -2 **Applicability.** (a) All fireworks infractions,
14 including fireworks infractions committed by minors, shall be
15 adjudicated pursuant to this chapter, except as provided in
16 subsection (b) or as otherwise specifically provided for in this
17 chapter. This chapter shall be applied uniformly throughout the
18 State and in all counties. No fireworks infraction shall be
19 classified as a criminal offense.

20 (b) Where a defendant is charged with a fireworks
21 infraction and the fireworks infraction is committed in the same



1 course of conduct as a criminal offense for which the offender
2 is arrested or charged, the fireworks infraction shall be
3 adjudicated pursuant to this chapter; provided that the court
4 may schedule any initial appearance, hearing, or trial on the
5 fireworks infraction at the same date, time, and place as the
6 arraignment, hearing, or trial on the related criminal offense.

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

14 (c) If the defendant requests a trial pursuant to section
15 -11, the trial shall be held in the district court of the
16 circuit in which the fireworks infraction was committed. If the
17 court schedules a concurrent trial pursuant to paragraph (1),
18 the concurrent trial shall be held in the appropriate district
19 or family court of the circuit in which the fireworks infraction
20 was committed, whichever has jurisdiction over the related



1 criminal offense charged pursuant to the applicable statute or
2 rule of court; provided that:

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

11 (2) If the civil trial on the fireworks infraction is held
12 separately from and before trial on any related
13 criminal offense, the following shall be inadmissible
14 in the prosecution or trial of the related criminal
15 offense, except as expressly provided by the Hawaii
16 rules of evidence:

17 (A) Any written or oral statement made by the
18 defendant in proceedings conducted pursuant to
19 section -6(b); and

20 (B) Such testimony given by the defendant in the
21 trial on the fireworks infraction.



1 These statements or testimony shall not be deemed a
2 waiver of the defendant's privilege against
3 self-incrimination in connection with any related
4 criminal offense.

5 (d) In no event shall section 701-109 preclude prosecution
6 for a related criminal offense where a fireworks infraction
7 committed in the same course of conduct has been adjudicated
8 pursuant to this chapter.

9 (e) If the defendant fails to appear at any scheduled
10 court date before the date of trial or concurrent trial and:

11 (1) The defendant's civil liability for the fireworks
12 infraction has not yet been adjudicated pursuant to
13 section -7, the court shall enter a judgment by
14 default in favor of the State for the fireworks
15 infraction unless the court determines that good cause
16 or excusable neglect exists for the defendant's
17 failure to appear; or

18 (2) The defendant's civil liability for the fireworks
19 infraction has been adjudicated previously pursuant to
20 section -7, the judgment earlier entered in favor
21 of the State shall stand unless the court determines



1 that good cause or excusable neglect exists for the
2 defendant's failure to appear.

3 (f) If the defendant fails to appear at any scheduled
4 court date prior to concurrent trial or fails to appear for
5 concurrent trial scheduled pursuant to subsection (c)(1), the
6 court shall enter a disposition pursuant to the Hawaii rules of
7 penal procedure for the criminal offense.

8 § -3 **Venue and jurisdiction.** (a) All fireworks
9 infractions shall be adjudicated in the district and circuit
10 where the alleged infraction occurred, except as otherwise
11 provided by law.

12 (b) Except as otherwise provided by law, jurisdiction is
13 in the district court of the circuit where the alleged fireworks
14 infraction occurred. Except as otherwise provided in this
15 chapter, district court judges shall adjudicate fireworks
16 infractions.

17 § -4 **Notice of infraction; form; determination final**
18 **unless contested.** (a) The notice of infraction shall include
19 the summons for the purposes of this chapter. Whenever a notice
20 of infraction is issued, the defendant's signature, driver's
21 license number or state identification number, current address,



1 and electronic mail address shall be noted on the notice. If
2 the defendant refuses to sign the notice of infraction, the
3 officer shall record this refusal on the notice and issue the
4 notice to the defendant. Anyone to whom a notice of infraction
5 is issued under this chapter need not be arraigned before the
6 court, unless required by rule of the supreme court.

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

12 (c) A notice of infraction that is generated by the use of
13 electronic equipment or that bears the electronically stored
14 image of any person's signature, or both, shall be valid under
15 this chapter.

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

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

19 (2) A brief statement of the facts;

20 (3) A statement of the total amount to be paid for each
21 fireworks infraction, which amount shall include any



1 fee, surcharge, or cost required by statute,
2 ordinance, or rule, and any monetary assessment
3 established pursuant to section -8, to be paid by
4 the defendant to whom the notice was issued, which
5 shall be uniform throughout the State;

6 (4) A statement of the options provided in section
7 -5(b) for answering the notice and the procedures
8 necessary to exercise the options;

9 (5) A statement that the defendant to whom the notice is
10 issued shall answer, choosing one of the options
11 specified in section -5(b), within twenty-one days
12 of issuance of the notice;

13 (6) A statement that failure to answer the notice within
14 twenty-one days of issuance shall result in the entry
15 of judgment by default for the State and may result in
16 the assessment of a late penalty;

17 (7) A statement that, at a hearing requested to contest
18 the notice, pursuant to section -7, no officer
19 shall be present unless the defendant timely requests
20 the court to have the officer present, and that the
21 standard of proof to be applied by the court is



1 whether a preponderance of the evidence proves that
2 the specified fireworks infraction was committed;

3 (8) A statement that, at a hearing requested for the
4 purpose of explaining mitigating circumstances
5 surrounding the commission of the fireworks infraction
6 or in consideration of a written request for
7 mitigation, the defendant shall be considered to have
8 committed the fireworks infraction;

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

12 (10) The date, time, and place at which the defendant to
13 whom the notice was issued shall appear in court, if
14 the defendant is required by the notice to appear in
15 person at the hearing.

16 § **-5 Answer required.** (a) A defendant who receives a
17 notice of infraction shall answer the notice within twenty-one
18 days of the date of issuance of the notice. There shall be
19 included with the notice of infraction a preaddressed envelope
20 directed to the designated district court.



1 (b) Provided that the notice of infraction does not
2 require an appearance in person at a hearing as set forth in
3 section -4(d)(10), in answering a notice of infraction, a
4 defendant shall have the following options:

5 (1) Admit the commission of the fireworks infraction in
6 one of the following ways:

7 (A) By mail or in person, by completing the
8 appropriate portion of the notice of infraction
9 or preaddressed envelope and submitting it to the
10 authority specified on the notice together with
11 payment of the total amount stated on the notice
12 of infraction. Payment by mail shall be in the
13 form of a check, money order, or by an approved
14 credit or debit card. Payment in person shall be
15 in the form of United States currency, check, or
16 money order, or by an approved credit or debit
17 card; or

18 (B) Via the Internet or by telephone, by submitting
19 payment of the total amount stated on the notice
20 of infraction. Payment via the Internet or by



1 telephone shall be by an approved credit or debit
2 card;

3 (2) Deny the commission of the fireworks infraction and
4 request a hearing to contest the fireworks infraction
5 by completing the appropriate portion of the notice of
6 infraction or preaddressed envelope and submitting it,
7 either by mail or in person, to the authority
8 specified on the notice. In lieu of appearing in
9 person at a hearing, the defendant may submit a
10 written statement of grounds on which the defendant
11 contests the notice of infraction, which shall be
12 considered by the court as a statement given in court
13 pursuant to section -6(a); or

14 (3) Admit the commission of the fireworks infraction and
15 request a hearing to explain circumstances mitigating
16 the fireworks infraction by completing the appropriate
17 portion of the notice of infraction or preaddressed
18 envelope and submitting it, either by mail or in
19 person, to the authority specified on the notice. In
20 lieu of appearing in person at a hearing, the
21 defendant may submit a written explanation of the



1 mitigating circumstances, which shall be considered by
2 the court as a statement given in court pursuant to
3 section -6(b).

4 (c) When answering the notice of infraction, the defendant
5 shall affix the defendant's signature to the answer and shall
6 state the address at which the defendant will accept future
7 mailings from the court. No other response shall constitute an
8 answer for purposes of this chapter.

9 **§ -6 Court action after answer or failure to answer.**

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

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

15 (1) In the case of a fireworks infraction where the
16 defendant requests a hearing at which the defendant
17 will appear in person to contest the fireworks
18 infraction, the court shall notify the defendant in
19 writing of the date, time, and place of hearing to
20 contest the notice of infraction. The notice of
21 hearing shall be mailed to the address stated in the



1 denying answer, or if none was given, to the address
2 stated on the notice of infraction. If no address was
3 provided, an electronic copy of the notice of hearing
4 may be sent to the electronic mail address stated on
5 the notice of infraction. The notification shall also
6 advise the defendant that, if the defendant fails to
7 appear at the hearing, the court shall enter judgment
8 by default in favor of the State, as of the date of
9 the scheduled hearing, and that the total amount
10 specified in the default judgment shall be paid within
11 thirty days of entry of default judgment; and

12 (2) When a denying answer is accompanied by a written
13 statement of the grounds on which the defendant
14 contests the notice of infraction, the court shall
15 proceed as provided in section -7(a) and shall
16 notify the defendant of its decision, including the
17 total amount assessed, if any, by mailing the notice
18 of entry of judgment within forty-five days of the
19 postmarked date of the answer to the address provided
20 by the defendant in the denying answer, or if none was
21 given, to the address given when the notice of



1 infraction was issued. If no address was provided, an
2 electronic copy of the notice of entry of judgment may
3 be sent to the electronic mail address stated on the
4 notice of infraction. The notice of entry of judgment
5 shall also advise the defendant, if it is determined
6 that the fireworks infraction was committed and
7 judgment is entered in favor of the State, that the
8 defendant has the right, within thirty days of entry
9 of judgment, to request a trial and shall specify the
10 procedures for doing so. The notice of entry of
11 judgment shall also notify the defendant, if an amount
12 is assessed by the court for monetary assessments,
13 fees, surcharges, or costs, that if the defendant does
14 not request a trial within the time specified in this
15 paragraph, the total amount assessed shall be paid
16 within thirty days of entry of judgment.

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

20 (1) In the case of a fireworks infraction where the
21 defendant requests a hearing at which the defendant



1 will appear in person to explain mitigating
2 circumstances, the court shall notify the defendant in
3 writing of the date, time, and place of the hearing to
4 explain mitigating circumstances. The notice of
5 hearing shall be mailed to the address stated in the
6 answer, or if none was given, to the address stated on
7 the notice of infraction. If no address was provided,
8 an electronic copy of the notice of hearing may be
9 sent to the electronic mail address stated on the
10 notice of infraction. The notification shall also
11 advise the defendant that, if the defendant fails to
12 appear at the hearing, the court shall enter judgment
13 by default in favor of the State, as of the date of
14 the scheduled hearing, and that the total amount
15 stated in the default judgment shall be paid within
16 thirty days of entry of default judgment; and

17 (2) If a written explanation is included with an answer
18 admitting commission of the fireworks infraction, the
19 court shall enter judgment for the State and, after
20 reviewing the explanation, determine the total amount
21 of the monetary assessments, fees, surcharges, or



1 costs to be assessed, if any. The court shall then
2 notify the defendant of the total amount to be paid
3 for the fireworks infraction, if any. There shall be
4 no appeal from the judgment. If the court assesses an
5 amount for monetary assessments, fees, surcharges, or
6 costs, the court shall also notify the defendant that
7 the total amount shall be paid within thirty days of
8 entry of judgment.

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

12 (e) Whenever judgment by default in favor of the State is
13 entered, the court shall mail a notice of entry of default
14 judgment to the address provided by the defendant when the
15 notice of infraction was issued, or if none was provided, to the
16 electronic mail address stated on the notice of infraction. The
17 notice of entry of default judgment shall advise the defendant
18 that the total amount specified in the default judgment shall be
19 paid within thirty days of entry of default judgment and shall
20 explain the procedure for setting aside a default judgment.
21 Judgment by default for the State entered pursuant to this



1 chapter may be set aside pending final disposition of the
2 fireworks infraction upon written application of the defendant
3 and posting of an appearance bond equal to the amount of the
4 total amount specified in the default judgment and any other
5 assessment imposed pursuant to section -8. The application
6 shall show good cause or excusable neglect for the defendant's
7 failure to take action necessary to prevent entry of judgment by
8 default. Thereafter, the court shall determine whether good
9 cause or excusable neglect exists for the defendant's failure to
10 take action necessary to prevent entry of judgment by default.
11 If so, the application to set aside default judgment shall be
12 granted, the default judgment shall be set aside, and the notice
13 of infraction shall be disposed of pursuant to this chapter. If
14 not, the application to set aside default judgment shall be
15 denied, the appearance bond shall be forfeited and applied to
16 satisfy amounts due under the default judgment, and the notice
17 of infraction shall be finally disposed. In either case, the
18 court shall determine the existence of good cause or excusable
19 neglect and notify the defendant of its decision on the
20 application in writing.



1 § -7 **Hearings.** (a) In proceedings to contest a notice
2 of infraction where the defendant to whom the notice was issued
3 has timely requested a hearing and appears at the hearing:

4 (1) In lieu of the personal appearance by the officer who
5 issued the notice of infraction, the court shall
6 consider the notice of infraction and any other
7 written report made by the officer, if provided to the
8 court by the officer, together with any oral or
9 written statement by the defendant to whom the notice
10 of infraction was issued;

11 (2) The standard of proof to be applied by the court shall
12 be whether, by a preponderance of the evidence, the
13 court finds that the fireworks infraction was
14 committed; and

15 (3) After due consideration of the evidence and arguments,
16 if any, the court shall determine whether commission
17 of the fireworks infraction has been established.

18 Where the commission of the fireworks infraction has
19 not been established, judgment in favor of the person,
20 dismissing the notice of infraction or any count
21 therein with prejudice, shall be entered in the



1 record. Where it has been established that the
2 fireworks infraction was committed, the court shall
3 enter judgment in favor of the State and shall assess
4 a monetary assessment pursuant to section -8,
5 together with any fees, surcharges, or costs. The
6 court also shall inform the person of the right to
7 request a trial pursuant to section -11. If the
8 person requests a trial at the time of the hearing,
9 the court shall provide the person with the trial date
10 as soon as practicable.

11 (b) In proceedings to explain mitigating circumstances
12 where the person to whom the notice of infraction was issued has
13 timely requested a hearing and appears at the hearing:

14 (1) The procedure shall be limited to the issue of
15 mitigating circumstances. A person who requests to
16 explain the circumstances shall not be permitted to
17 contest the notice of infraction;

18 (2) After the court has received the explanation, the
19 court may enter judgment in favor of the State and may
20 assess a monetary assessment pursuant to section
21 -8, together with any fees, surcharges, or costs;



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

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

7 (c) If a person for whom a hearing has been scheduled to
8 contest the notice of infraction or to explain mitigating
9 circumstances, fails to appear at the hearing, the court shall
10 enter judgment by default for the State and take action as
11 provided in section -6(e).

12 § **-8 Monetary assessments.** (a) A defendant found to
13 have committed a fireworks infraction shall be assessed a
14 monetary assessment not to exceed the maximum fine specified in
15 the law or rule defining the fireworks infraction.

16 (b) In addition to any monetary assessment imposed for a
17 fireworks infraction, the court may impose additional
18 assessments for:

19 (1) Failure to pay a monetary assessment by the scheduled
20 date of payment; or



(2) The cost of service of a penal summons issued pursuant to this chapter.

(c) In addition to any monetary assessment imposed for a fireworks infraction, the court may impose administrative costs of \$20 for each fireworks infraction in which judgment is entered in favor of the State, in addition to any monetary assessment imposed by the court. The clerk of the district court shall deposit the administrative costs collected into the judiciary computer system special fund pursuant to section 601-3.7.

(d) Upon request of a defendant claiming inability to pay a monetary assessment, the court may grant an extension of the period in which the monetary assessment shall be paid or may impose community service in lieu thereof.

§ -9 Time computation. In computing any period of time prescribed or allowed by this chapter, the day of the act, event, or default from which the period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.



1 Intermediate Saturdays, Sundays, and legal holidays shall be
2 included. Whenever an act required to be performed under this
3 chapter may be accomplished by mail, the act shall be deemed to
4 have been performed on the date of the postmark on the mailed
5 article.

6 § -10 Powers of the district court judge hearing cases
7 pursuant to this chapter. (a) A district court judge hearing
8 cases pursuant to this chapter shall have all the powers of a
9 district court judge under chapter 604, including the following
10 powers:

- 11 (1) To conduct fireworks infraction hearings and impose
12 monetary assessments;
- 13 (2) To permit deferral of monetary assessments or impose
14 community service in lieu thereof;
- 15 (3) To dismiss a notice of infraction, with or without
16 prejudice, or set aside a judgment for the State;
- 17 (4) To issue penal summonses and bench warrants and
18 initiate contempt of court proceedings in proceedings
19 conducted pursuant to section -11;



(5) To issue penal summonses and bench warrants and initiate failure to appear proceedings in proceedings conducted pursuant to section -4(d)(10); and

(6) To exercise other powers the court finds necessary and appropriate to carry out the purposes of this chapter.

§ -11 **Trial and concurrent trial.** (a) There shall be no right to trial unless the defendant contests the notice of infraction pursuant to section -7. If, after proceedings to contest the notice of infraction, a determination is made that the defendant committed the fireworks infraction, judgment shall enter in favor of the State. The defendant may request a trial pursuant to the Hawaii rules of evidence and rules of the district court; provided that any request for trial shall be made within thirty days of entry of judgment. If, after appearing in person at a hearing to contest the notice of infraction, the defendant requests a trial at the conclusion of the hearing, the court shall provide the defendant with the trial date as soon as practicable.

(b) At the time of trial, the State shall be represented by a prosecuting attorney of the county in which the fireworks infraction occurred. The prosecuting attorney shall orally



1 recite the charged fireworks infraction in court before
2 commencement of the trial. Proof of the defendant's commission
3 of the fireworks infraction shall be by a preponderance of the
4 evidence.

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

8 (d) If trial on the fireworks infraction is held before
9 trial on any related criminal offense, the following shall be
10 inadmissible in the subsequent prosecution or trial of the
11 related criminal offense:

12 (1) Any written or oral statement made by the defendant in
13 proceedings conducted pursuant to section -6(b);
14 and

15 (2) Any testimony given by the defendant in the trial on
16 the fireworks infraction.

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

20 (e) In any concurrent trial, the State shall be
21 represented by a prosecuting attorney of the county in which the



1 infraction and related crime occurred. Proof of the defendant's
2 commission of the infraction shall be by a preponderance of the
3 evidence, and proof of the related criminal offense shall be by
4 proof beyond a reasonable doubt. The concurrent trial shall be
5 conducted pursuant to the rules of the appropriate court, Hawaii
6 rules of evidence, and Hawaii rules of penal procedure.

7 § -12 **Rules.** (a) The supreme court may adopt rules of
8 procedure for the conduct of all proceedings pursuant to this
9 chapter.

10 (b) Chapter 626 shall not apply in proceedings conducted
11 pursuant to this chapter, except for the rules governing
12 privileged communications, and proceedings conducted under
13 section -11.

14 (c) Notwithstanding section 604-17, while the court is
15 sitting in any matter pursuant to this chapter, the court shall
16 not be required to preserve the testimony or proceedings, except
17 proceedings conducted pursuant to section -11 and proceedings
18 in which the fireworks infraction is heard on the same date and
19 time as any related criminal offense.

20 (d) The prosecuting attorney shall not participate in
21 fireworks infraction proceedings conducted pursuant to this



1 chapter, except proceedings pursuant to section -11 and
2 proceedings in which a related criminal offense is scheduled for
3 arraignment, hearing, or concurrent trial.

4 (e) Chapter 91 shall not apply in proceedings before the
5 court.

6 (f) Except as otherwise provided in section -2, chapter
7 571 and the Hawaii family court rules shall not apply in any
8 proceedings conducted pursuant to this chapter."

9 SECTION 3. Section 132D-14, Hawaii Revised Statutes, is
10 amended by amending its title and subsections (a) and (b) to
11 read as follows:

12 "**§132D-14 Penalty[-]; fireworks infractions.** (a) Any
13 person:

- 14 (1) Importing aerial devices, display fireworks, or
15 articles pyrotechnic without having a valid license
16 under section 132D-7 shall be guilty of a class C
17 felony;
- 18 (2) Purchasing, possessing, setting off, igniting, or
19 discharging aerial devices, display fireworks, or
20 articles pyrotechnic without a valid permit under
21 sections 132D-10 and 132D-16, or storing, selling, or



1 possessing aerial devices, display fireworks, or
2 articles pyrotechnic without a valid license under
3 section 132D-7, or allowing an individual to possess,
4 set off, ignite, or otherwise cause to explode any
5 aerial device in violation of section 132D-14.5:

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

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

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

18 (4) Who removes or extracts the pyrotechnic contents from
19 any fireworks or articles pyrotechnic and uses the
20 contents to construct fireworks, articles pyrotechnic,



1 or a fireworks or articles pyrotechnic related device
2 shall be guilty of a misdemeanor.

3 (b) Except as provided in subsection (a) or as otherwise
4 specifically provided for in this chapter, any person violating
5 any other provision of this chapter, shall be fined ~~[not]~~ no
6 less than \$100 and no more than \$2,000 for each [violation.]
7 offense, subject to the adjudication proceedings under chapter
8 _____. Notwithstanding any provision to the contrary in this
9 section, any person violating section 132D-14.5 shall be fined
10 ~~[at least]~~ no less than \$500 and no more than \$2,000[-], subject
11 to the adjudication proceedings under chapter _____."

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

14 "(f) The judge, or the senior judge if there is more than
15 one, may by order confer concurrent jurisdiction on a district
16 court created under chapter 604 to hear and dispose of cases of
17 violation of traffic laws, ordinances, ~~[or]~~ emergency period
18 rules by children, or fireworks infractions established pursuant
19 to chapter _____, provision to the contrary in section 571-11 or
20 elsewhere notwithstanding. The exercise of jurisdiction over
21 children by district courts shall, nevertheless, be considered



1 noncriminal in procedure and result in the same manner as though
2 the matter had been adjudicated and disposed of by a family
3 court."

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

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

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

11 (2) Fees prescribed by the supreme court by rule of court
12 for electronic document certification, electronic
13 copies of documents, and for providing bulk access to
14 electronic court records and compilations of data; and

15 (3) Fees pursuant to sections -8(b)(3), 607-4(b)(10),
16 and 607-5(c)(32)."

17 SECTION 6. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so
19 much thereof as may be necessary for fiscal year 2022-2023 to
20 update the judiciary information management system to implement
21 the adjudications process established by this Act.



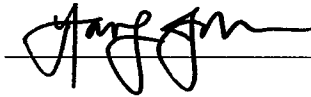
1 The sum appropriated shall be expended by the judiciary for
2 the purposes of this Act.

3 SECTION 7. 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 8. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 9. This Act shall take effect upon its approval;
9 provided that section 6 shall take effect on July 1, 2022.

10
INTRODUCED BY:



JAN 25 2022



H.B. NO. 2215

Report Title:

Fireworks; Fireworks Infractions; Adjudication; Judiciary;
Appropriation

Description:

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

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

