

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

STEVEN S. ALM
PROSECUTING ATTORNEY

THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY



THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-first State Legislature
Regular Session of 2022
State of Hawai'i

March 15, 2022

RE: H.B. 2275, H.D. 1; RELATING TO FIREWORKS INFRACTIONS.

Chair Rhoads, Vice-Chair Keohokalole and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of H.B. 2275, H.D. 1, with suggested amendments.

The purpose of H.B. 2275, H.D. 1, is to amend certain fireworks offenses to “infractions,” which would be non-criminal, non-jailable offenses, punishable by fine. Similar to the “emergency period infractions” created by Act 185 (2021), it appears the proposed “fireworks infractions” would be handled much like traffic tickets. Law enforcement would issue citations to offenders, and offenders would have to pay a fine by mail, contest the charge by mail, or appear before the court to contest the matter. In the latter two options, if a court finds in favor of the State, the offender could then request a “trial de novo.” Trial de novo is basically a civil trial in which the State is represented by a prosecutor, who presents witnesses to prove the State’s case by a preponderance of the evidence.

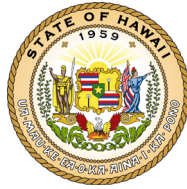
Due to serious, ongoing concerns regarding the dangers and nuisance presented by illegal fireworks use, the Department shares the introducers’ desire to hold offenders accountable and will continue to do its part in the enforcement process. While it may seem counterintuitive at first, in this instance the Department believes that lowering certain fireworks offenses to an infraction may actually be a more effective enforcement tool for law enforcement than the current misdemeanor-level offenses—given various evidentiary issues that have arisen in court—and thus, the Department is willing to try this new approach to fireworks enforcement. Offenses involving larger amounts of fireworks, or illegal importing or distribution, would continue to be misdemeanors or felonies.

Based on the Department's understanding of this bill, we believe the intent is to allow law enforcement officers to issue citations that are payable by mail, without requiring offenders to appear in court. If this is the intent, we recommend that the Committee either: (1) establish a set fine for these fireworks infractions—as some Mayors have done for emergency period infractions—by amending the range of fines found on page 29, lines 9-11, to a single dollar amount; or (2) require the Judiciary to prescribe a schedule of applicable fines—as is done for traffic infractions—by adding language, similar to HRS §291D-9(b), in proposed §___-8 on page 21. Either of these approaches would likely eliminate any need for a court to determine the specific fine in each case cited.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of H.B. 2275, H.D. 1. Thank you for the opportunity to testify on this matter.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.labor.hawaii.gov
Phone: (808) 586-8844 / Fax: (808) 586-9099
Email: dlir.director@hawaii.gov

March 11, 2022

The Honorable Karl Rhoads, Chair
Committee on Judiciary
The State Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Chair Rhoads:

Subject: House Bill (HB) 2275 House Draft (HD) 1 Relating to Fireworks Infractions

I am Steven Goble, Chair of the Hawaii State Fire Council (SFC). The SFC supports HB 2275 HD 1, which establishes and appropriates funds for an expeditious adjudication system for the processing of fireworks infractions.

There is a general sense that the use of illegal fireworks and improvised explosive devices have substantially increased in recent years. A search of youtube.com using the term "aerial fireworks Hawaii New Years" reveals pervasive use of illegal aerial fireworks in many neighborhoods. As a consequence, serious injuries, property damage, and fatalities have occurred.

The SFC supports legislation to streamline the judicial system in prosecuting the illegal use of fireworks. The general welfare, public safety, and property protection are priorities for the SFC and we respectfully request your committee's passage of HB 2275 HD 1.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 723-7169 or glum@honolulu.gov.

Sincerely,

STEVEN GOBLE
Chair

SG/GL

TESTIMONY OF

LARRY S VERAY

HOUSE OF REPRESENTATIVES
TO THE COMMITTEE ON JUDICIARY

MOST STRONGLY SUPPORT HB 2275 HD1

RELATING TO FIREWORKS INFRACTIONS

March 13, 2022

Aloha, Chair Rhoads, Vice Chair Keohokalole and Committee members. Thank you for allowing me the opportunity to provide testimony on HB 2275 HD1.

I am Chair for the Pearl City Neighborhood Board No. 21 representing our board and all our residents, families and pets negatively impacted by the random, all hours of the day, terroristic loud aerial fireworks explosions impacting our lives daily. Our board unanimously approved our resolution on fireworks at our January 25, 2022 Neighborhood Board meeting to include mitigation recommendations for our Congressional Representatives and State Legislators.

We totally concur with HB 2275 HD1 that there should be alternative enforcement mechanisms to promote compliance with the fireworks control law. This legislation will enhance and improve the judicial system in prosecuting bad actors who are terrorizing neighborhoods with illegal aerial bomb fireworks. This legislation will also offer opportunity to expedite adjudication for fireworks infractions that is similar to processing traffic infractions. This should also be considered for civil law suits by neighbors suing their bad actor neighbors.

I most strongly urge you to support and approve HB 2275 HD1. Mahalo!

Very respectfully,

Larry S. Veray

HB-2275-HD-1

Submitted on: 3/11/2022 8:40:00 PM

Testimony for JDC on 3/15/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Samuel M Mitchell	Individual	Support	Remotely Via Zoom

Comments:

I support HB2275 HD1 because Hawaii needs a way to prosecute illegal fireworks offenses.

Samuel Mitchell Member Makiki NB-10 / Nextdoor Stop all illegal fireworks Group



The Judiciary, State of Hawai'i

Testimony to the Thirty-First State Legislature, 2022 Regular Session

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

Tuesday, March 15, 2022, 9:30 a.m.
Conference Room 16

by:
Michelle D. Acosta
Deputy Chief Court Administrator
District Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2275, H.D. 1 – Relating to Fireworks Infractions

Purpose: Establishes an expeditious adjudication system for the processing of fireworks infractions. Appropriates funds. Effective 1/1/2050. (HD1)

Judiciary's Position:

The Judiciary appreciates the opportunity to provide comments on this measure. The Judiciary takes no position on the merits of the bill and recognizes the impact of illegal fireworks on the community.

In response to the COVID-19 pandemic, legislation was passed in 2021 to create an “emergency period infraction.” Act 185 of the 2021 Legislative Session created the infraction within Section 127A-29, Hawai'i Revised Statutes (HRS), and within Chapter 291D. Expansion of Chapter 291D, rather than the creation of an entirely new chapter, proved to be an effective vehicle for implementation. The approach enabled law enforcement agencies to temporarily utilize traffic infraction citation forms for the issuance of emergency period infractions. The

approach also enabled the Judiciary to adjudicate emergency period infractions in the same manner as traffic infractions. Due to the coordination and collaborative efforts between numerous stakeholders, Act 185 was successfully implemented last year. Based on this experience, the Judiciary believes that the same framework can be used as a guide to achieving a similar fireworks infraction, and suggests that the bill be amended accordingly.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON JUDICIARY
ON
HOUSE BILL NO. 2275, H.D. 1

March 15, 2022
9:30 a.m.
Room 016 and Videoconference

RELATING TO FIREWORKS INFRACTIONS

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 2275, H.D. 1, establishes an expeditious adjudication system, similar to the system used for traffic infractions, for the processing of fireworks infractions and makes an unspecified general fund appropriation in FY 23 to the Judiciary to update its information management system to implement the process established by this measure.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and

- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

HONOLULU FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

636 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

RICK BLANGIARDI
MAYOR



SHELDON K. HAO
FIRE CHIEF

JASON SAMALA
DEPUTY FIRE CHIEF

March 14, 2022

The Honorable Karl Rhoads, Chair
Committee on Judiciary
The State Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Chair Rhoads:

Subject: House Bill (HB) 2275, House Draft (HD) 1 Relating to Fireworks Infractions

My name is Sheldon K. Hao, Fire Chief of the Honolulu Fire Department (HFD). The HFD supports HB 2275, HD 1, which establishes and appropriates funds for an expeditious adjudication system for the processing of fireworks infractions.

A search of aerial fireworks in Hawaii via a major video-sharing website reveals pervasive use of illegal aerial fireworks in many neighborhoods thereby confirming the use of illegal fireworks and improvised explosive devices have substantially increased in recent years. As a consequence, serious injuries, property damage, and fatalities have occurred.

The HFD supports legislation to enhance and improve the judicial system in prosecuting the illegal use of fireworks.

The general welfare, public safety, and property protection are priorities for the HFD, and we respectfully request your committee's passage of HB 2275, HD 1.

Should you have questions, please contact Administrative Specialist Gary Lum at 808-723-7169 or glum@honolulu.gov.

Sincerely,

A handwritten signature in blue ink that reads "Sheldon K. Hao".

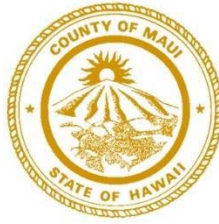
SHELDON K. HAO
Fire Chief

SKH/GL:cn

MICHAEL P. VICTORINO
Mayor

BRADFORD K. VENTURA
Fire Chief

GAVIN L.M. FUJIOKA
Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY

COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, HI 96732

March 11, 2022

The Honorable Karl Rhoads, Chair
Committee on Judiciary
The State Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Chair Rhoads:

**SUBJECT: HOUSE BILL (HB) 2275 HOUSE DRAFT (HD) 1 RELATING TO
FIREWORKS INFRACTIONS**

I am Bradford K. Ventura, member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC supports HB 2275 HD 1, which establishes and appropriates funds for an expeditious adjudication system for the processing of fireworks infractions.

There is a general sense that the use of illegal fireworks and improvised explosive devices have substantially increased in recent years. A search of youtube.com using the term "aerial fireworks Hawaii New Years" reveals pervasive use of illegal aerial fireworks in many neighborhoods. As a consequence, serious injuries, property damage, and fatalities have occurred.

The SFC supports legislation to streamline the judicial system in prosecuting the illegal use of fireworks. The general welfare, public safety, and property protection are priorities for the SFC and we respectfully request your committee's passage of HB 2275 HD 1.

If you have questions, please contact SFC Administrative Specialist Gary Lum at (808) 723-7169 or glum@honolulu.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Ventura".

BRADFORD K. VENTURA
Fire Chief



Hawaiian Humane Society

People for animals. Animals for people.

2700 Waiālae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

Date: March 11, 2022

To: Chair Sen. Karl Rhoads
Vice Chair Sen. Jarrett Keohokalole
and Members of the Committee on Judiciary

Submitted By: Stephanie Kendrick, Director of Community Engagement
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of HB 2275, HD1: Relating to Fireworks Infractions
Tuesday, March 15, 2022, 9:30 a.m., Room 016 and Videoconference

Aloha Chair Rhoads, Vice Chair Keohokalole and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for House Bill 2275, HD1, which establishes an expeditious adjudication system for the processing of fireworks infractions and appropriates funds.

Hawaiian Humane supports any attempt to remove fireworks from residential neighborhoods by keeping these dangerous products out of our state entirely and/or enhancing enforcement. At what should be joyous times for local families, illegal fireworks fill our neighborhoods with unexpected explosions that terrorize pets and people alike.

Animals who flee their homes in fear are at enormous risk of injury and death. An average of 8 stray dogs per day came into the Hawaiian Humane Society in 2021. As the new year arrived, that number spiked to 36 between Jan. 1-2. Hawaiian Humane has long educated our community about keeping pets safe from the terror of fireworks around New Years and July 4, but these bombs increasingly go off for months at a time. That makes it impossible for pet owners to prepare and creates sustained stress on people and animals, which can do lasting damage to their emotional and physical health. Neither people nor animals should have to take tranquilizers just to survive the impacts of illegal behavior by their neighbors.

We urge the committee to restore peace and safety to our neighborhoods and leave fireworks displays to the professionals. Mahalo for your consideration.

HB-2275-HD-1

Submitted on: 3/12/2022 12:03:57 PM

Testimony for JDC on 3/15/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I support HB2275, but find it wanting. First, I object to the use of defective effective dates and find that they do not serve to encourage future discussion, they are a cop out, and often end in the defeat of a bill during conference committee. The effective date should be changed to effective upon approval.

I object to the low cop out fine amount. Anyone who purchases and uses these fireworks does not fear fines, fires, injuries, loss of pets, or anything else that allows us to enjoy the comfort of our homes, friends, pets, and peace and quiet. They must be fined accordingly, when caught. If their fireworks caused harm or destruction, the offenders must pay full restitution. Fireworks displays should be left to the professionals, not those who use them to get their jollies.

I support any and all attempts to remove fireworks from all neighborhoods, residential, business, industrial, hotel, etc., but the attempts must have real, not token, consequences. This bill is wanting in that respect.

HB-2275-HD-1

Submitted on: 3/13/2022 3:50:04 AM

Testimony for JDC on 3/15/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

In support of Sheldon K. Hao, Fire Chief of Honolulu Fire Dept., Brandford K. Ventura, Chief to the Maui Fire Dept., and Larry Veray, Chair of the Pearl City NB #24, and I, Johnnie-Mae L.Perry, resident of Waianae, STRONGLY SUPPORT HB 2275, HD1 Relating to Fireworks Infractions!

HB-2275-HD-1

Submitted on: 3/13/2022 11:49:55 AM

Testimony for JDC on 3/15/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Beverly Heiser	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

I strongly support HB2275 HD1 that establishes an expeditious adjudication system for processing fireworks infractions similar to traffic infractions. Anything that can deter and stop the use of illegal fireworks is appreciated.

Aerial types of fireworks were banned in 2011. This is not just about a few individuals using fireworks during unauthorized times that is a nuisance but also the many island-wide using illegal fireworks during New Year's Eve.

My family does NOT do fireworks of any kind, yet every New Year's day DEBRIS from ILLEGAL fireworks from New Year's Eve lay scattered over our entire yard. Some land on our roof and wash down gutters. I have dogs and TOXIC chemicals from debris can cause illness or injury if ingested. Thus I spend hours cleaning up the mess.

Toxins and heavy metals that are dispersed from fireworks in our environment also pollute our air, water, and soil. Much of the debris are NOT biodegradable. They cause harm to people, pets, and wildlife.

The problem has increased over the years and is out of control. There is increased noise, destruction of property, fires, life changing injuries, and even fatalities. Tradition should not sound or look like a war zone.

I favor a TOTAL BAN on all types of fireworks except by permit for cultural or religious reasons but at the least this type of ILLEGAL activity should be stopped.

Individuals who have voiced frustrations and are seeking resolution have formed a group on the social networking neighborhood platform NextDoor called "STOP All (Illegal) Fireworks" aka "Pau Fireworks Now".

Thank you for allowing me to testify. Please help to advance this bill.

HB-2275-HD-1

Submitted on: 3/13/2022 9:25:03 PM

Testimony for JDC on 3/15/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

Keep screwing the people and you will be sorry !! The Elections are this year!!