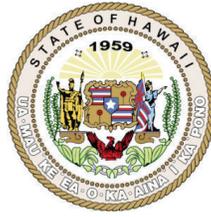


JOSH GREEN  
GOVERNOR



JORDAN LOWE  
DIRECTOR

MICHAEL S. VINCENT  
Deputy Director  
Administration

STATE OF HAWAII | KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF LAW ENFORCEMENT**  
*Ka 'Oihana Ho'opalekana Lehulehu*

1177 Alakea Street  
Honolulu, Hawaii 96813  
(808) 587-2562

**Vacant**  
Deputy Director  
Law Enforcement

No.

TESTIMONY ON SENATE BILL 708  
RELATING TO FIREWORKS

Before the Senate Committee on Public Safety  
and Intergovernmental and Military Affairs  
Wednesday, February 1, 2023; 3:00 p.m.

State Capitol Conference Room 225, Via Videoconference

**WRITTEN TESTIMONY ONLY**

Chair Wakai, Vice Chair Elefante, and members of the Committee:

The Department of Law Enforcement (DLE) submits the following comments on Senate Bill 708.

This bill addresses criminal penalties for possession and use of fireworks. However, the DLE is recommending that the language found in Section 2 of the bill amending section 132D-14(a) be removed as it would limit criminal penalties to those purchasing or those storing or selling aerial devices, display fireworks, or articles of pyrotechnic without a permit thereby leaving those possessing or igniting such fireworks left to the minor penalties of the proposed new section.

The other concern is the current law which uses a total weight of twenty-five (25) pounds before the heightened penalties apply thereby allowing violators significant room to evade significant penalties even if caught. Federal penalties for some of these violations carry significant fines, some of which can be as much as two-hundred fifty thousand dollars, and not more than ten (10) years imprisonment. For example, §132D-14 lumps aerial devices with consumer fireworks that fall under UN-336 and UN0337 by the United States Department of Transportation with articles of pyrotechnic that fall under UN0431 or UN0432 and display fireworks that fall under UN0333, UN0334, or

UN0335. Articles of pyrotechnic and display fireworks are not intended for consumer use and are considered explosives by the United States Department of Justice. The current penalties are the same regardless of the type of fireworks or explosive characterization and the proposed bill decriminalizes the possession, setting off, igniting, or discharge of these fireworks.

We recommend recognizing the difference between aerial devices, articles of pyrotechnic, and display fireworks in the penalties provided in §132D-14, Hawaii Revised Statutes by not decriminalizing the possession, setting off, igniting, or discharge of these fireworks. The DLE suggests the following to replace the language in Section 2 of the bill amending section 132D-14(a)(2) and found on page 3, lines 3 through 12:

- (2) Purchasing, possessing, setting off, igniting, or discharging aerial devices, display fireworks, or articles pyrotechnic without a valid permit under sections 132D-10 and 132D-16, or storing, selling, or possessing aerial devices, display fireworks, or articles pyrotechnic without a valid license under section 132D-7, or allowing an individual to possess, set off, ignite, or otherwise cause to explode any aerial device in violation of section 132D-14.5:

Thank you for the opportunity to comment on this bill.

**SB-708**

Submitted on: 1/28/2023 6:31:24 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Samuel Mitchell	Testifying for City & County of Honolulu Maikiki NB-10	Support	In Person

Comments:

Per Makiki Neighborhood Board Resolution passed on 3/17/2022. I REQUEST THAT YOU CHANGE BILL 708 TO ALLOW FOR SOME OF THE FINE MONEY TO BE USED FOR REWARDS FOR TURNING IN SHIPPERS, DISTRIBUTORS, AND SELLERS OF ILLEGAL FIREWORKS.

Making Hawai'i a Safe & Sane Fireworks State

WHEREAS fireworks contain toxic chemicals and it spreads heavy metals that contribute to Hawai' it's air, water; and soil pollution; and

WHEREAS, fireworks are affecting the health and safety of dogs, cats, birds, fish, children, the elderly, and veterans with post-traumatic stress disorder; and

WHEREAS, Honolulu residents have complained about illegal fireworks & skyrockets being fired off at all hours of the day and night; and

WHEREAS, fireworks cause a wide variety of health concerns such as cancer, respiratory and reproductive problems in humans and animals; and

WHEREAS, in Honolulu from Dec 31 2021 to Jan 1st, 2022 there more than 11 persons were seriously injured by fireworks, including one child; and

WHEREAS, illegal fireworks are being stored in small stores, warehouses, and homes where they are a serious fire hazard; and

WHEREAS, people are now buying fireworks-making kits which are coming in by United States Postal Service ground and being shipped to Hawai'i by airmail; and

WHEREAS, the Nextdoor group Stop all illegal Fireworks group has allowed the local community to voice and share ideas on what the City, State, and Federal Government can do to correct Hawai'i's Fireworks problems; now, therefore

BE IT RESOLVE, the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10 asks State and City Legislators to use its resources to stop illegal fireworks from entering Hawai'i by way of its Ports and Postal Services; and

BE IT RESOLVED, the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10 asks the Legislature to improve its fireworks laws by assisting the counties in starting up a monetary reward program, that asks for the names & addresses of illegal fireworks shippers, distributors, and sellers; and

BE IT FINALLY RESOLVED, that copies of this resolution shall be distributed to the Governor of Hawai'i, the Lieutenant Governor of Hawai'i, Representative Della Au Belatti, Representative Sylvia Luke, Senator Brian Taniguchi, and Senator Sharon Moriwaki.

Ian Ross \_ IAN ROSS, CHAIR MAKIKI/LOWER PUNCHBOWL/TANTALUS  
NEIGHBORHOOD BOARD NO.10 Adopted 3-17-2022



*improving the quality of lives of pets and their people.*

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Testimony by Alicia Maluafiti  
Volunteer Board President, Poi Dogs & Popoki

In Strong Support of SB 708 – Relating to Fireworks  
Senate Committee on Public Safety and Intergovernmental and Military Affairs  
Wednesday, Feb. 1, 3 pm, Rm. 225

Aloha Chair Wakai and members of the committee,

Poi Dogs & Popoki (PDP) is a nonprofit animal welfare organization with a mission to help people and their pets. We are in strong support of SB 708 which would provide the county police departments with a streamlined process for citing illegal fireworks users and allow the police to use the funds generated by the fines specifically for fireworks investigation and enforcement.

Many of us know WHERE the illegals are originating from (our neighbors' properties). They now start in early October. It used to be Halloween. By Thanksgiving Day, it's a daily occurrence, and next to New Year's Eve, its one of the worst days. Since New Years, bombs still go off because of football games and on Super Bowl Sunday, they will go off till midnight. Add in MMA fights, a family luau, or a win at Campbell High School, and there is practically no end to the number of illegals blowing up in my community.

It's time for violators to pay the consequences for poor decisions and that includes property owners or tenants that allow illegal fireworks on their properties. With the progressively increasing fines, the police could more easily cite violators and hopefully serve as a deterrent to continued use. We would, however, encourage even greater financial penalties against violators.

We also believe that the proposed special fund could be a motivator to the police departments because they would be able to collect the fines from their citations to aid in doing their jobs. The fund could pay for overtime or special duty officers assigned to a unit dedicated to illegal fireworks investigation and enforcement. We know that the departments have other priorities so this fund and the work of the units would be well received by those of use seeking relief. Please support SB 708. Mahalo.

**SB-708**

Submitted on: 1/28/2023 1:17:46 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
lynne matusow	Individual	Oppose	Written Testimony Only

## Comments:

I oppose this bill in its present form. Given the fact that illegal aerial fireworks have caused fires, deaths of persons and animals, scared those with PTSD, etc. we should not be decriminalizing their use. Those caught using these fireworks should pay a hefty fine, not the minini amounts in this bill, and subject to jail time. Nothing else is working to stop this. The problem gets worse every year. You do the crime, you pay the fine, and the time in jail.

**SB-708**

Submitted on: 1/28/2023 4:02:51 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

Fire works Has been Here for over a 100+ years. You will be removed before Fire works the People will not allow this to happen . Your Jobs will be Terminated by the People!!

There is no Such thing As Climate Chage all made up by the Elite who make Tons of money on you Beliveing in this Bull shit. Time To Wake Up!!!!

**SB-708**

Submitted on: 1/29/2023 4:14:19 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jessica Mitchell	Individual	Support	Written Testimony Only

Comments:

Aloha committee members, the display of illegal fireworks on New years eve showed just how much the public disregards the law prohibiting them. Not only is it a danger to people and a fire hazard it also is traumatic for animals. My dogs hid under the bed and barely ate the whole week leading up to New years. Please pass this bill. There needs to be stricter consequences for popping illegal fireworks. Mahalo for your time.

**SB-708**

Submitted on: 1/30/2023 8:02:46 AM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
De MONT Kalai Manaole	Individual	Support	Written Testimony Only

Comments:

We **STRONGLY SUPPORT** this measure. While it is preferred that a total repeal of a fireworks ban is preferred, since bans such as this only promote the Black Market to thrive & governmental/corporate insiders who have protection from prosecution make huge amounts of money from this this ban.

Nevertheless, this measure is a step in the right direction. HPD needs the incentive to enforce this ban, as well as the funds to support this ban. This will greatly help HPD to step up enforcement.  
#BackDaBlue

**SB-708**

Submitted on: 1/30/2023 10:02:04 AM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Beverly Heiser	Individual	Support	Written Testimony Only

Comments:

Aloha Chairperson and Committee Members,

I support Bill SB708.

Maybe a portion of the fees collected from the “Fireworks Possession Special Fund” allocated to county police departments could be used to award individuals who turn in violators that are distributing, shipping, selling, importing, purchasing, or storing illegal fireworks.

A search of YouTube for Hawaii shows how bold and wild people have become boasting videos of their large stash of illegal fireworks. Disturbing to watch were some young kids using a torch lighter to ignite aerial fireworks in the middle of a street. Cars parked along neighborhood sidewalks risk getting damaged. Someone posted they purchased a brand new car, did not even make their first payment, and woke to find burn marks on it.

Illegal fireworks cause serious injuries, fatalities, and property damage. People with health conditions are adversely affected. Non-degradable chemicals and debris pollute the air, water, and soil. The probability of improper storage and making of homemade devices exists. Most of all, it is a disrespect for the law.

This is all the more reason to curtail the flow and use of illegal fireworks.

Thank you for the opportunity to testify.

**SB-708**

Submitted on: 1/30/2023 10:10:29 AM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gwenn Phillips	Individual	Support	Written Testimony Only

Comments:

This season has been my first season working with animals and experiencing fireworks to this extent. While dealing with my own PTSD issues, I along with them feel and felt in a constant state of panic whenever they would be alarmed. In an effort to keep them feeling safe enough to NOT attempt to run for cover by trying to escape their enclosure I would go from enclosure to enclosure reassuring and checking. This is both dangerous for them and other animals because it often resulted in fights between other terrified animals, and sadly has ended in death for some. For me? It is so hard to be calm and not in a constant state of anxiety when these fireworks and M80's go off at any given time. This goes far beyond just NYE... this was every weekend leading up to from atleast Halloween and since NYE. It effects all areas and I know I am not alone when I feel too scared to leave on the weekends for fear that the fireworks will start and the animals will be panicking and possibly fighting. Please pass this bill to help the people of Hawaii get the desperately needed assistance they need from the police. The police will only help in these situations if it is as easy as writing a citation.

**SB-708**

Submitted on: 1/30/2023 10:19:39 AM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Beverly K Takushi	Individual	Support	Written Testimony Only

Comments:

To Whom It May Concern:

I am in support of any bill or measure that will end illegal aerial fireworks in Hawaii. I have endured too many years of noise, smoke and rubbish but this past New Year's Eve was the worst as my new neighbors decided to light these aerals nonstop on New Year's Eve commencing at 5 p.m. and ending at about 12:30 a.m. on New Year's morning. A verbal confrontation ensued when I voiced my concern for my property as remnants from their aerals, including broken pieces of sharp wood sticks, were strewn all over my property, including my roof. One of the owners accused me of not agreeing with his culture and became hostile to the point that his minor aged daughter intervened. I am glad that this exchange was through my closed gate as I don't know what would have happened otherwise. I have good relationships with my neighbors except for this one that has been soured because of aerals. They don't care about the properties of others and use culture as an excuse when it actually is their tradition, a tradition that is illegal.

I am concerned that these aerals will damage my photovoltaic panels and result in costly repairs. But mostly, I am concerned that someone will be seriously injured or killed. There have been too many injuries and deaths. Enough is enough.

**SB-708**

Submitted on: 1/30/2023 10:20:04 AM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Bruce Nakano	Individual	Comments	Written Testimony Only

Comments:

We need stiffer fines to catch attention of culprits, the current fines are laughable to these people that make hundreds of thousands of dollars from 1 matson container. First offense \$5000, second offense \$8000 + 15 days in jail. Adults are responsible for underage children therefore adult would pay and serve. Here in waipahu the fireworks start from around october and continues to get worst up until new years eve. We also know big bombs go off with football games, boxing and other big events. These people wreak havov with ptsd, kupunas, and our pets. I would not know how many people had heart attacks after being startled, but i would say quite a bit !!! Back in the day in the 70s , green harvest would be able to take away your home if you were caught growing , it made people have 2nd thoughts on growing. Current laws and fines are comparable to putting a bandaid on a gapping wound. We must have television commercial airtime and educate people how fireworks affects all walks of life and fines that are punishable by strict laws. We cannot have neighbors turning in each other, it just mostly wont happen due to retalliations. We should investigate those that are blowing these bombs starting in october and major events , these are when dealers show off and demonstrate their wares. Watching inspecting shipping containers throughtout the year with dogs. Commercials would be a great preventive first step. Mahalo. Bruce Nakano

**SB-708**

Submitted on: 1/30/2023 6:18:00 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael I Rice	Individual	Support	Remotely Via Zoom

Comments:

I stand in support of this bill, while it does not do enough to help reverse the damage that has been caused by the ban on aerial fireworks, it is a good first step. I believe the permitting system should be done away with entirely and replaced with a simple tax on all fireworks at the retail level.

I remember pre-ban when at most you'd hear outside the holidays might be a packet of red devils or a bottle rocket going off a week before the holidays. Now it seems like at least once a week we've got loud, house rattling fireworks going off, with increased frequency around non-firework related holidays or sporting events.

The ban has only encouraged a Scofflaw attitude towards fireworks. Police have neither the desire nor manpower to enforce the laws, and as recent events have shown, some in our government are actively profiting off of the ban.

**SB-708**

Submitted on: 1/31/2023 1:22:11 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Katherine Linster	Individual	Support	Written Testimony Only

Comments:

Despite laws banning the use of aerials and other explosive devices, the problem is only growing as is the danger. I strongly support SB708 which will help the enforcement of the fireworks ban and improve the safety of our community. Being born and raised on Oahu, I know that these new explosive fireworks are not traditional and are not rooted in our community. We used to be considerate of our neighbors and more careful with our safety. Now, there are people setting off explosive devices almost every day of the week. How many more people need to die or be injured and how much more does our community have to suffer because people like to set off explosives just to hear "BOOM!" I don't trust my neighbors storing and setting off explosives, do you? We need more enforcement and more mechanisms to combat the use of these explosive devices. Please do not minimize the dangers of these explosives or mischaracterize our "culture." No culture sets off explosions because there's a football game, UFC fight, birthday party, weekend, or hump day. No one else needs to die or be injured. Please give our laws teeth and proritize safety. Please upport SB708,

**SB-708**

Submitted on: 1/31/2023 7:47:37 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
gerraine santos	Individual	Support	Written Testimony Only

Comments:

Strongly support SB708 that seeing person in the act of illegal fireworks is NOT required upon reporting. Those who break the law will likely seek revenge on their neighbors who report them. Current law needs to be changed to protect those that follow the law, not those that break them.

**SB-708**

Submitted on: 1/31/2023 9:07:18 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jessica Brock	Individual	Support	Written Testimony Only

Comments:

Something needs to be done about all the fireworks on the island. They are a terror to my animals as well as my husband who has PTSD from serving our country in war zones. It is so bad in our neighborhood that it is disrupting my children's daily life and learning as well. The excessive use of fireworks on random days throughout the year needs to end. I have no way to prepare my family and pets for a random bomb going off on a Tuesday at 4pm. Even when I have reported neighbors to the police, nothing was done about the issue. I am hopeful that this bill will make a change for the better.

**SB-708**

Submitted on: 2/1/2023 2:59:07 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Brian T Yamane	Individual	Support	Written Testimony Only

Comments:

I support SB708! Please pass it. Existing laws are NOT working!

**LATE**