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# A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1           SECTION 1. The legislature finds that the widespread use  
2 of illegal fireworks poses an extreme danger and lethal risk to  
3 public health and safety, resulting in fires, serious burn  
4 injuries, and fatalities to innocent bystanders. The cost to  
5 the community far outweighs any intrinsic benefit, as numerous  
6 lives have been lost over the years from the use of illegal  
7 fireworks. In addition, the potential for wildfires in this  
8 time of climate change is a real and present danger and is a top  
9 priority for all levels of government.

10           Tragedies like the New Year's Eve explosion of 2024 have  
11 injured or claimed the lives of the elderly, adults, and  
12 children, seriously impacting entire neighborhoods in the middle  
13 of urban Honolulu and across the State.

14           Fireworks also emit excessive smoke and other toxins into  
15 the air, making breathing difficult for thousands of Hawaii  
16 residents with respiratory ailments. Noise from loud fireworks  
17 traumatizes many residents, particularly war veterans who may



1 suffer from post-traumatic stress disorder from being in combat.  
2 Pets and vulnerable species in their natural habitats also must  
3 suffer each holiday season when fireworks noise and  
4 environmental pollution commences.

5 With the increase in fireworks-related calls, public safety  
6 agencies are heavily strained to maintain adequate response  
7 levels for other critical emergencies, which adds to the cost of  
8 state and county resources that could be used for natural  
9 disasters and other emergencies. They are often overwhelmed and  
10 are not able to stop the thousands of illegal fireworks being  
11 used, making it a death trap for thousands of innocent lives who  
12 are not involved in illegal fireworks use.

13 The legislature further finds that people in the State  
14 deserve to live in peace and security without the public safety  
15 risk and disruptive impact of illegal fireworks. There can be  
16 no more gray areas when lives are lost while this black market  
17 flourishes.

18 The legislature also finds that improved enforcement of the  
19 fireworks control laws is necessary, not only to protect  
20 property from avoidable fire damage, but also to protect the  
21 community from fire- and explosion-related injuries, respiratory



1 distress caused by the air pollution, and recurring trauma to  
2 afflicted persons due to loud explosions.

3       The legislature believes a more robust continuum of  
4 enforcement mechanisms must be established to promote compliance  
5 with the fireworks control laws, including graduated penalties  
6 for repeat or felony level offenses, enhanced penalties for  
7 offenses that result in injury or death, and a dedicated  
8 adjudication system for fireworks infractions, similar to the  
9 existing traffic infraction system. Creating a fireworks  
10 infractions system will allow law enforcement agencies and the  
11 judiciary to quickly and efficiently process low-level cases,  
12 while also allowing them to prioritize higher-level cases as  
13 appropriate.

14       Accordingly, the purpose of this Act is to:

- 15       (1) Establish an adjudication system and procedures to  
16           process fireworks infractions;
- 17       (2) Amend and establish various definitions and penalties  
18           for fireworks offenses, including establishing  
19           heightened penalties under certain circumstances;
- 20       (3) Establish various criminal offenses and penalties  
21           related to fireworks or articles pyrotechnics; and



1 (4) Appropriate funds.

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

5 "CHAPTER

6 ADJUDICATION OF FIREWORKS INFRACTIONS

7 § -1 Definitions. As used in this chapter:

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

14 "Fireworks infraction" means any violation of chapter 132D,  
15 any rule adopted pursuant to chapter 132D, or any county  
16 ordinance or rule enacted pursuant to chapter 132D, for which  
17 the prescribed penalties do not include imprisonment and that  
18 are not otherwise specifically excluded from coverage of this  
19 chapter.

20 "Hearing" means a proceeding conducted by the district  
21 court pursuant to section -7 at which the defendant to whom a



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

4 "Law enforcement officer" means any employee of any  
5 federal, state, county, or military agency authorized by law to  
6 issue a notice of infraction.

7 "Notice of infraction" means the citation form that is  
8 issued to the defendant at or after the time of the fireworks  
9 infraction and notifies the defendant of the infraction the  
10 defendant is charged with committing.

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

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

17 § -2 **Applicability.** (a) All fireworks infractions,  
18 including fireworks infractions committed by minors, shall be  
19 adjudicated pursuant to this chapter, except as provided in  
20 subsection (b). This chapter shall be applied uniformly  
21 throughout the State and in all counties. No penal sanction



1 that includes imprisonment shall apply to a violation of state  
2 law, or county ordinance or rule, that would constitute a  
3 fireworks infraction under this chapter. No fireworks  
4 infraction shall be classified as a criminal offense.

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

13 Notwithstanding this subsection or subsection (c), no court  
14 shall schedule any initial appearance, hearing, or trial on the  
15 fireworks infraction at the same date, time, and place as the  
16 arraignment, hearing, or trial on the related criminal offense  
17 where the related criminal offense is a felony or is a  
18 misdemeanor for which the defendant has demanded a jury trial.

19 (c) If the defendant requests a trial pursuant to  
20 section -11, the trial shall be held in the district court of  
21 the circuit in which the fireworks infraction was committed. If



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

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

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



1 (A) Any written or oral statement made by the  
2 defendant in proceedings conducted pursuant to  
3 section -6(b); and

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

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

14 (e) If the defendant fails to appear at any scheduled  
15 court date before 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 -7, 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 adjudicated previously pursuant to  
5 section -7, 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 before 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 § -3 **Venue and jurisdiction.** (a) All fireworks  
15 infractions shall be adjudicated in the district and circuit  
16 where the alleged infraction occurred, except as otherwise  
17 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       **§ -4 Notice of infraction; form; determination final**

4 **unless contested.** (a) The notice of infraction shall include  
5 the summons for the purposes of this chapter. Whenever a notice  
6 of infraction is issued, and to the extent practicable, the  
7 defendant's signature, driver's license number or state  
8 identification number, current mailing address, and electronic  
9 mail address shall be included on the notice. If the defendant  
10 refuses to sign the notice of infraction, or refuses to provide  
11 any other required information, the law enforcement officer  
12 shall record this refusal on the notice and issue the notice to  
13 the defendant. Anyone to whom a notice of infraction is issued  
14 under this chapter need not be arraigned before the court,  
15 unless required by rule of the supreme court.

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



1 (c) A notice of infraction that is generated by the use of  
2 electronic equipment or that bears the electronically stored  
3 image of any defendant's signature, or both, shall be valid  
4 under this chapter.

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

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

8 (2) A brief statement of the facts;

9 (3) A statement of the total amount to be paid for each  
10 fireworks infraction, which shall include any fee,  
11 surcharge, or cost required by statute, ordinance, or  
12 rule, and any monetary assessment established pursuant  
13 to section -8, to be paid by the defendant to whom  
14 the notice was issued, which shall be uniform  
15 throughout the State;

16 (4) A statement of the options provided in  
17 section -5(b) for answering the notice and the  
18 procedures necessary to exercise the options;

19 (5) A statement that the defendant to whom the notice is  
20 issued shall answer, choosing one of the options



1 specified in section -5(b), within twenty-one days  
2 of issuance of the notice;

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

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

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



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

3 (10) The date, time, and place at which the defendant to  
4 whom the notice was issued shall appear in court, if  
5 the defendant is required by the notice to appear in  
6 person at the hearing.

7 (e) A citation shall not be dismissed for failure to  
8 include any information described in subsection (d).

9 § -5 Answer required. (a) A defendant who receives a  
10 notice of infraction shall answer the notice within twenty-one  
11 days of the date of issuance of the notice. There shall be  
12 included with the notice of infraction a preaddressed envelope  
13 directed to the designated district court.

14 (b) A defendant shall have the following options in  
15 answering a notice of infraction if the notice of infraction  
16 does not require an appearance in person at a hearing as set  
17 forth in section -4(d)(10):

18 (1) Admit the commission of the fireworks infraction in  
19 one of the following manners:

20 (A) By mail or in person, by completing the  
21 appropriate portion of the notice of infraction



1 or preaddressed envelope and submitting it to the  
2 authority specified on the notice together with  
3 payment of the total amount stated on the notice  
4 of infraction. Payment by mail shall be in the  
5 form of a check, money order, or by an approved  
6 credit or debit card. Payment in person shall be  
7 in the form of United States currency, check,  
8 money order, or by an approved credit or debit  
9 card; or

10 (B) Via the Internet or by telephone, by submitting  
11 payment of the total amount stated on the notice  
12 of infraction. Payment via the Internet or by  
13 telephone shall be by an approved credit or debit  
14 card;

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



1 written statement of grounds on which the defendant  
2 contests the notice of infraction, which shall be  
3 considered by the court as a statement given in court  
4 pursuant to section -6(b)(2); or

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

16 (c) When answering the notice of infraction, the defendant  
17 shall affix the defendant's signature to the answer and shall  
18 state the address at which the defendant will accept future  
19 mailings from the court. No other response shall constitute an  
20 answer for purposes of this chapter.



1           §   -6   **Court action after answer or failure to answer.**

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

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

7           (1)   In the case of a fireworks infraction where the  
8                 defendant requests a hearing at which the defendant  
9                 will appear in person to contest the fireworks  
10                infraction, the court shall notify the defendant in  
11                writing of the date, time, and place of hearing to  
12                contest the notice of infraction. The notice of  
13                hearing shall be mailed to the address stated in the  
14                denying answer, or if none was given, to the address  
15                stated on the notice of infraction. If no address was  
16                provided, an electronic copy of the notice of hearing  
17                may be sent to the electronic mail address stated on  
18                the notice of infraction. The notification shall also  
19                advise the defendant that if the defendant fails to  
20                appear at the hearing, the court shall enter judgment  
21                by default in favor of the State, as of the date of



1 the scheduled hearing, and that the total amount  
2 specified in the default judgment shall be paid within  
3 thirty days of entry of default judgment; and  
4 (2) When a denying answer is accompanied by a written  
5 statement of the grounds on which the defendant  
6 contests the notice of infraction, the court shall  
7 proceed as provided in section -7(a) and shall  
8 notify the defendant of its decision, including the  
9 total amount assessed, if any, by mailing the notice  
10 of entry of judgment within forty-five days of the  
11 postmarked date of the answer to the address provided  
12 by the defendant in the denying answer, or if none was  
13 given, to the address given when the notice of  
14 infraction was issued. If no address was provided, an  
15 electronic copy of the notice of entry of judgment may  
16 be sent to the electronic mail address stated on the  
17 notice of infraction. The notice of entry of judgment  
18 shall also advise the defendant, if it is determined  
19 that the fireworks infraction was committed and  
20 judgment is entered in favor of the State, that the  
21 defendant has the right, within thirty days of entry



1 of judgment, to request a trial and shall specify the  
2 procedures for doing so. The notice of entry of  
3 judgment shall also notify the defendant, if an amount  
4 is assessed by the court for monetary assessments,  
5 fees, surcharges, or costs, that if the defendant does  
6 not request a trial within the time specified in this  
7 paragraph, the total amount assessed shall be paid  
8 within thirty days of entry of judgment.

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

12 (1) In the case of a fireworks infraction where the  
13 defendant requests a hearing at which the defendant  
14 will appear in person to explain mitigating  
15 circumstances, the court shall notify the defendant in  
16 writing of the date, time, and place of the hearing to  
17 explain mitigating circumstances. The notice of  
18 hearing shall be mailed to the address stated in the  
19 answer, or if none was given, to the address stated on  
20 the notice of infraction. If no address was provided,  
21 an electronic copy of the notice of hearing may be



1 sent to the electronic mail address stated on the  
2 notice of infraction. The notification shall also  
3 advise the defendant that if the defendant fails to  
4 appear at the hearing, the court shall enter judgment  
5 by default in favor of the State, as of the date of  
6 the scheduled hearing, and that the total amount  
7 stated in the default judgment shall be paid within  
8 thirty days of entry of default judgment; and

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



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

4 (e) Whenever judgment by default in favor of the State is  
5 entered, the court shall mail a notice of entry of default  
6 judgment to the address provided by the defendant when the  
7 notice of infraction was issued, or if none was provided, to the  
8 electronic mail address stated on the notice of infraction. The  
9 notice of entry of default judgment shall advise the defendant  
10 that the total amount specified in the default judgment shall be  
11 paid within thirty days of entry of default judgment and shall  
12 explain the procedure for setting aside a default judgment.

13 (f) Judgment by default for the State entered pursuant to  
14 this chapter may be set aside pending final disposition of the  
15 fireworks infraction upon written application of the defendant  
16 and posting of an appearance bond equal to the amount of the  
17 total amount specified in the default judgment and any other  
18 assessment imposed pursuant to section -8. The application  
19 shall show good cause or excusable neglect for the defendant's  
20 failure to take action necessary to prevent entry of judgment by  
21 default. Thereafter, the court shall determine whether good



1 cause or excusable neglect exists for the defendant's failure to  
2 take action necessary to prevent entry of judgment by default.  
3 If so, the application to set aside default judgment shall be  
4 granted, the default judgment shall be set aside, and the notice  
5 of infraction shall be disposed of pursuant to this chapter. If  
6 not, the application to set aside default judgment shall be  
7 denied, the appearance bond shall be forfeited and applied to  
8 satisfy amounts due under the default judgment, and the notice  
9 of infraction shall be finally disposed. In either case, the  
10 court shall determine the existence of good cause or excusable  
11 neglect and notify the defendant of its decision on the  
12 application in writing.

13       **§ -7 Hearings.** (a) In proceedings to contest a notice  
14 of infraction where the defendant to whom the notice was issued  
15 has timely requested a hearing and appears at the hearing:

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



1           (2) The court may compel by subpoena the attendance of the  
2 law enforcement officer who issued the notice of  
3 fireworks infraction and other witnesses from whom it  
4 may wish to hear;

5           (3) The standard of proof to be applied by the court shall  
6 be whether, by a preponderance of the evidence, the  
7 court finds that the fireworks infraction was  
8 committed; and

9           (4) After due consideration of the evidence and arguments,  
10 if any, the court shall determine whether commission  
11 of the fireworks infraction has been established.  
12 Where the commission of the fireworks infraction has  
13 not been established, judgment in favor of the  
14 defendant, dismissing the notice of infraction or any  
15 count therein with prejudice, shall be entered in the  
16 record. Where it has been established that the  
17 fireworks infraction was committed, the court shall  
18 enter judgment in favor of the State and shall assess  
19 a monetary assessment pursuant to section -8,  
20 together with any fees, surcharges, or costs. The  
21 court also shall inform the person of the right to



1 request a trial pursuant to section -11. If the  
2 person requests a trial at the time of the hearing,  
3 the court shall provide the person with the trial date  
4 as soon as practicable.

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

8 (1) The procedure shall be limited to the issue of  
9 mitigating circumstances. A person who requests to  
10 explain the circumstances shall not be permitted to  
11 contest the notice of infraction;

12 (2) After the court has received the explanation, the  
13 court may enter judgment in favor of the State and may  
14 assess a monetary assessment pursuant to  
15 section -8, together with any fees, surcharges, or  
16 costs;

17 (3) The court, after receiving the explanation, may vacate  
18 the admission and enter judgment in favor of the  
19 defendant, dismissing the notice of infraction or any  
20 count therein with prejudice, where the explanation



1 establishes that the fireworks infraction was not  
2 committed; and

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

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

9 § -8 **Monetary assessments.** (a) A defendant found to  
10 have committed a fireworks infraction shall be assessed a  
11 monetary assessment not to exceed the maximum fine specified in  
12 the law or rule defining the fireworks infraction. The court  
13 shall consider the defendant's financial circumstances, if  
14 disclosed, in determining the monetary assessment.

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

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

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



1 (c) In addition to any monetary assessment imposed for a  
2 fireworks infraction, the court shall impose an administrative  
3 fee of \$20 for each fireworks infraction in which judgment is  
4 entered in favor of the State. The clerk of the district court  
5 shall deposit the administrative fees collected into the  
6 judiciary computer system special fund pursuant to section 601-  
7 3.7.

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

12 (e) At any point before full payment of a monetary  
13 assessment, any person who suffers a change in financial  
14 circumstances may request a hearing to modify the monetary  
15 assessment or request community service in lieu thereof.

16 **§ -9 Time computation.** In computing any period of time  
17 prescribed or allowed by this chapter, the day of the act,  
18 event, or default from which the period of time begins to run  
19 shall not be included. The last day of the period so computed  
20 shall be included, unless it is a Saturday, Sunday, or state  
21 holiday, in which event the period runs until the end of the



1 next day that is not a Saturday, Sunday, or state holiday.  
2 Intermediate Saturdays, Sundays, and state holidays shall be  
3 included. Whenever an act required to be performed under this  
4 chapter may be accomplished by mail, the act shall be deemed to  
5 have been performed on the date of the postmark on the mailed  
6 article.

7       **§ -10 Powers of the district court judge hearing cases.**

8 A district court judge hearing cases pursuant to this chapter  
9 shall have all the powers of a district court judge under  
10 chapter 604, including the following 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;



1 (5) To issue penal summonses and bench warrants and  
2 initiate failure to appear in proceedings noticed  
3 under section -4(d)(10); and

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

6 § -11 **Trial and concurrent trial.** (a) There shall be  
7 no right to trial unless the defendant contests the notice of  
8 infraction pursuant to section -7. If after proceedings to  
9 contest the notice of infraction a determination is made that  
10 the defendant committed the fireworks infraction, judgment shall  
11 enter in favor of the State. The defendant may request a trial  
12 pursuant to the Hawaii rules of evidence and the rules of the  
13 district court; provided that any request for trial shall be  
14 made within thirty days of entry of judgment. If after  
15 appearing in person at a hearing to contest the notice of  
16 infraction the defendant requests a trial at the conclusion of  
17 the hearing, the court shall provide the defendant with the  
18 trial date as soon as practicable.

19 (b) At the time of trial, the State shall be represented  
20 by a prosecuting attorney of the county in which the fireworks  
21 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) If trial on the fireworks infraction is held before  
6 trial on any related criminal offense, the following shall be  
7 inadmissible in the subsequent prosecution or trial of the  
8 related criminal offense:

9 (1) Any written or oral statement made by the defendant in  
10 proceedings conducted pursuant to section -6(b);  
11 and

12 (2) Any testimony given by the defendant in the trial on  
13 the fireworks infraction.

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

17 (d) In any concurrent trial, the State shall be  
18 represented by a prosecuting attorney of the county in which the  
19 fireworks infraction and related criminal offense occurred.

20 Proof of the defendant's commission of the fireworks infraction  
21 shall be by a preponderance of the evidence, and proof of the



1 related criminal offense shall be by proof beyond a reasonable  
2 doubt. The concurrent trial shall be conducted pursuant to the  
3 rules of the appropriate court, Hawaii rules of evidence, and  
4 Hawaii rules of penal procedure.

5 § -12 Rules. (a) The supreme court may adopt rules of  
6 procedure for the conduct of all proceedings conducted under  
7 this chapter.

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

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

18 (d) The prosecuting attorney shall not participate in  
19 fireworks infraction proceedings conducted pursuant to this  
20 chapter, except proceedings pursuant to section -11 and



1 proceedings in which a related criminal offense is scheduled for  
2 arraignment, hearing, or concurrent trial.

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

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

8 SECTION 3. Chapter 132D, Hawaii Revised Statutes, is  
9 amended by adding seven new sections to be appropriately  
10 designated and to read as follows:

11 **"§132D-A General fireworks or articles pyrotechnic**  
12 **prohibitions in the second degree.** (a) A person commits the  
13 offense of general fireworks or articles pyrotechnic  
14 prohibitions in the second degree if the person intentionally,  
15 knowingly, or recklessly:

16 (1) Sets off, ignites, discharges, or otherwise causes to  
17 explode any aerial devices, articles pyrotechnic, or  
18 display fireworks:

19 (A) Within one thousand feet of any operating  
20 hospital, licensed convalescent home, licensed



- 1                   home for the elderly, zoo, licensed animal  
2                   shelter, or licensed animal hospital;
- 3            (B)   In any school building, or on any school grounds  
4                   or yards without first obtaining authorization  
5                   from appropriate school officials;
- 6            (C)   On any highway, alley, street, sidewalk, other  
7                   public way, or public beach;
- 8            (D)   In any park or officially designated forest or  
9                   wildlife preserve;
- 10           (E)   Within fifty feet of a canefield;
- 11           (F)   Within one thousand feet of any building used for  
12                   public worship during the periods when services  
13                   are held; or
- 14           (G)   Within five hundred feet of any dwelling; or
- 15           (2)   Throws, catapults, or otherwise manually propels  
16                   ignited aerial devices, articles pyrotechnic, consumer  
17                   fireworks, or display fireworks.
- 18           (b)   The state of mind requirement for the offense under  
19                   subsection (a) (1) (A), (E), (F), and (G) shall not be applicable  
20                   to whether the person was aware that the person was within the  
21                   designated distance from an operating hospital, licensed



1 convalescent home, licensed home for the elderly, zoo, licensed  
2 animal shelter, or licensed animal hospital; canefield; building  
3 used for public worship; or dwelling. A person shall be  
4 strictly liable with respect to the attendant circumstance that  
5 the person was within the designated distance from a prohibited  
6 place, at the time of incident.

7 (c) Except as otherwise provided in subsections (d), (e),  
8 and (f), the offense of general fireworks or articles  
9 pyrotechnic prohibitions in the second degree shall be a  
10 misdemeanor.

11 (d) The offense of general fireworks or articles  
12 pyrotechnic prohibitions in the second degree shall be a class C  
13 felony if the person has been convicted one or more times for  
14 any offense under this chapter within ten years of the current  
15 offense.

16 (e) The offense of general fireworks or articles  
17 pyrotechnic prohibitions in the second degree shall be a class B  
18 felony if any of the aerial devices, articles pyrotechnic, or  
19 display fireworks set off, ignited, discharged, or otherwise  
20 caused to explode in the commission of the offense cause  
21 substantial bodily injury to another person.



1        (f) The offense of general fireworks or articles  
2 pyrotechnic prohibitions in the second degree shall be a class A  
3 felony if any of the aerial devices, articles pyrotechnic, or  
4 display fireworks set off, ignited, discharged, or otherwise  
5 caused to explode in the commission of the offense cause serious  
6 bodily injury or death to another person.

7        (g) The state of mind requirement for subsections (e) and  
8 (f) shall not be applicable to whether the person was aware the  
9 aerial devices, articles pyrotechnic, or display fireworks  
10 caused or would cause the injury or death. A person shall be  
11 strictly liable with respect to the result that the aerial  
12 devices, articles pyrotechnic, or display fireworks caused the  
13 injury or death.

14        **§132D-B Sending or receiving fireworks or articles**  
15 **pyrotechnic by air delivery; prohibited.** (a) A person commits  
16 the offense of sending or receiving fireworks or articles  
17 pyrotechnic by air delivery if the person intentionally,  
18 knowingly, or recklessly sends or receives any amount of aerial  
19 devices, articles pyrotechnic, consumer fireworks, or display  
20 fireworks via any form of air delivery, including but not



1 limited to any private courier, commercial carrier, or mail or  
2 postal services.

3 (b) Except as provided in subsections (c) and (d), the  
4 offense of sending or receiving fireworks or articles  
5 pyrotechnic by air delivery shall be a class C felony.

6 (c) The offense of sending or receiving fireworks or  
7 articles pyrotechnic by air delivery shall be a class B felony  
8 if:

9 (1) The person has been convicted one or more times for  
10 any offense under this chapter within ten years of the  
11 current offense; or

12 (2) The total weight of the aerial devices, articles  
13 pyrotechnic, consumer fireworks, and display fireworks  
14 sent or received in the commission of the offense is  
15 five pounds or more but less than twenty-five pounds.

16 (d) The offense of sending or receiving fireworks or  
17 articles pyrotechnic by air delivery shall be a class A felony  
18 if the total weight of the aerial devices, articles pyrotechnic,  
19 consumer fireworks, and display fireworks sent or received in  
20 the commission of the offense is twenty-five pounds or more.



1           §132D-C Distributing fireworks or articles pyrotechnic to  
2 non-permit holder. (a) A person commits the offense of  
3 distributing fireworks or articles pyrotechnic to non-permit  
4 holder when the person, who holds a valid license required  
5 pursuant to section 132D-7, intentionally, knowingly, or  
6 recklessly distributes aerial devices, articles pyrotechnic,  
7 consumer fireworks, or display fireworks to another person who  
8 does not have a valid permit required pursuant to sections 132D-  
9 10 and 132D-16.

10           (b) Except as provided in subsections (c) and (d), the  
11 offense of distributing fireworks or articles pyrotechnic to  
12 non-permit holder shall be a class C felony.

13           (c) The offense of distributing fireworks or articles  
14 pyrotechnic to non-permit holder shall be a class B felony if:

15           (1) The person has been convicted one or more times for  
16           any offense under this chapter within ten years of the  
17           current offense; or

18           (2) Any of the aerial devices, articles pyrotechnic,  
19           consumer fireworks, or display fireworks distributed  
20           in the commission of the offense cause substantial  
21           bodily injury to another person.



1        (d) The offense of distributing fireworks or articles  
2 pyrotechnic to non-permit holder shall be a class A felony if  
3 any of the aerial devices, articles pyrotechnic, consumer  
4 fireworks, or display fireworks distributed in the commission of  
5 the offense cause serious bodily injury or death to another  
6 person.

7        (e) The state of mind requirement for subsections (c) (2)  
8 and (d) shall not be applicable to whether the person was aware  
9 the aerial devices, articles pyrotechnic, consumer fireworks, or  
10 display fireworks caused or would cause the injury or death. A  
11 person shall be strictly liable with respect to the result that  
12 the aerial devices, articles pyrotechnic, consumer fireworks, or  
13 display fireworks caused the injury or death.

14        **§132D-D Removal or extraction of pyrotechnic contents;**  
15 **prohibited.** Any person who removes or extracts the pyrotechnic  
16 contents from any aerial devices, articles pyrotechnic, consumer  
17 fireworks, or display fireworks shall be guilty of a class C  
18 felony.

19        **§132D-E Consumer fireworks prohibitions.** (a) It shall be  
20 unlawful for any person to:



1       (1) Purchase, possess, set off, ignite, discharge, or  
2       otherwise cause to explode any consumer fireworks  
3       without a permit required pursuant to section 132D-10;  
4       or

5       (2) Set off, ignite, discharge, or otherwise cause to  
6       explode any consumer fireworks at any time not within  
7       the periods for use prescribed in section 132D-3.

8       (b) It shall be unlawful for any person to distribute  
9       consumer fireworks:

10       (1) More than five calendar days before the time periods  
11       for permissible use under section 132D-3; or

12       (2) After 12:01 a.m. on New Year's Day, 6:00 p.m. on  
13       Chinese New Year's Day, or 8:00 p.m. on the Fourth of  
14       July.

15       (c) The state of mind requirement for the offense under  
16       subsections (a) (2) and (b) shall not be applicable to whether  
17       the person was aware of the date or time at the time of offense,  
18       or whether the date and time of offense fell within the  
19       prohibited periods. A person shall be strictly liable with  
20       respect to the date and time of any act proven to have occurred,  
21       and with respect to the attendant circumstance that the date and



1 time fell within the prohibited dates and times provided in  
2 subsections (a)(2) and (b).

3 (d) Any person who violates:

4 (1) Subsection (a) shall be subject to a \$200 fine;

5 (2) Subsection (b) shall be subject to a \$1,000 fine; and

6 (3) This section shall be subject to proceedings under  
7 chapter \_\_\_\_\_ ;

8 provided that nothing in this section shall be construed to  
9 prohibit prosecution under section 132D-7, 132D-8.6, or any  
10 other provision under this chapter.

11 **§132D-F Refusal to provide identification.** (a) Except as  
12 provided in subsection (b), any person detained for violating  
13 this chapter shall provide the person's name and current mailing  
14 address, or any proof thereof, upon the lawful order or  
15 direction of any law enforcement officer in the course and scope  
16 of the officer's duties to enforce this chapter.

17 (b) If the law enforcement officer has reasonable grounds  
18 to believe that the person is being deceptive or misleading in  
19 providing the person's name or address, the person shall provide  
20 proof thereof, upon the lawful order or direction of the law  
21 enforcement officer.



1 (c) Refusal to provide identification pursuant to this  
2 section shall be a petty misdemeanor.

3 **§132D-G Requirements of carrier.** (a) Any carrier or  
4 person shipping aerial devices, articles pyrotechnic, consumer  
5 fireworks, or display fireworks:

6 (1) Into the State shall notify the appropriate county  
7 official and designated state law enforcement agencies  
8 at the time the booking is made and, in any case, no  
9 later than fourteen days before arrival into the  
10 State; or

11 (2) Interisland within the State shall notify the  
12 appropriate county official and designated state law  
13 enforcement agencies at the time the booking is made  
14 and, in any case, no later than five days before  
15 departing from the island of origin;

16 provided that the notification shall include, when applicable,  
17 the container identification number, manifest, bill of lading,  
18 consignee, freight forwarder, sailing vessel name, route number,  
19 date of departure, and estimated date of arrival.

20 (b) For a first offense, or any offense not committed  
21 within five years of a prior judgment for the State under this



1 section, the carrier or person shall be subject to a \$1,000  
2 fine.

3 (c) For a second offense committed within five years of a  
4 prior judgment for the State under this section, the carrier or  
5 person shall be subject to a \$2,000 fine.

6 (d) For a third or subsequent offense committed within  
7 five years of two or more prior judgements for the State under  
8 this section, the carrier or person shall be subject to a \$5,000  
9 fine.

10 (e) All violations of this section shall be subject to  
11 proceedings under chapter . Nothing in this section shall be  
12 construed to prohibit criminal prosecution under section 132D-  
13 8.6 or any other section of this chapter."

14 SECTION 4. Section 132D-2, Hawaii Revised Statutes, is  
15 amended as follows:

16 1. By adding five new definitions to be appropriately  
17 inserted and to read:

18 "Carrier" means any shipper or anyone who transports  
19 goods, merchandise, property, or people by rail car, aircraft,  
20 motor vehicle, or vessel.



1       "Distribute" or "distribution" means to sell, transfer,  
2 deliver to another, give or deliver to another, or to leave,  
3 barter, or exchange with another, or to offer or agree to do the  
4 same.

5       "Dwelling" means a building that is used or usually used by  
6 a person for lodging.

7       "Serious bodily injury" means bodily injury that creates a  
8 substantial risk of death or which causes serious, permanent  
9 disfigurement, or protracted loss or impairment of the function  
10 of any bodily member or organ.

11       "Substantial bodily injury" means bodily injury that causes  
12 a:

13       (1) Major avulsion, laceration, or penetration of the  
14       skin;

15       (2) Burn of at least second degree severity;

16       (3) Bone fracture;

17       (4) Serious concussion; or

18       (5) Tearing, rupture, or corrosive damage to the  
19       esophagus, viscera, or other internal organs."

20       2. By amending the definition of "aerial device" to read:



1       "Aerial device" means any fireworks [~~containing one~~  
2 ~~hundred thirty milligrams or less of explosive materials that~~  
3 ~~produces an audible or visible effect and is designed to rise]~~  
4 that upon ignition, discharge, or otherwise being set off rises  
5 more than twelve feet into the air and [explode or detonate]  
6 then combusts, explodes, deflagrates, or detonates in the air,  
7 shoots or emits flaming balls, or [to fly about above the  
8 ~~ground, and that is prohibited for use by any person who does~~  
9 ~~not have a permit for display issued by a county under section~~  
10 ~~132D-16. "Aerial devices"]~~ shoots or emits sparks.  
11 Alternatively, "aerial device" may include but is not limited to  
12 any device classified as fireworks under UN0336 and UN0337 by  
13 the United States Department of Transportation as set forth in  
14 [Title] title 49 Code of Federal Regulations [include] that  
15 contains one hundred thirty milligrams or less of explosive  
16 materials, including firework items commonly known as bottle  
17 rockets, sky rockets, missile-type rockets, helicopters,  
18 torpedoes, daygo bombs, roman candles, flying pigs, and jumping  
19 jacks that move about the ground farther than a circle with a  
20 radius of twelve feet as measured from the point where the item  
21 was placed and ignited, aerial shells, and mines."



1           3. By amending the definition of "consumer fireworks" to  
2 read:

3           "Consumer fireworks" means any fireworks [~~designed~~  
4 ~~primarily for retail sale to the public during authorized dates~~  
5 ~~and times,~~] that [~~produces~~] upon ignition, discharge, or  
6 otherwise being set off, produce visible or audible effects [~~by~~  
7 ~~combustion,~~] and that [~~is designed to~~] remain on or near the  
8 ground and, while stationary or spinning rapidly on or near the  
9 ground, [~~emits~~] emit smoke, a shower of colored sparks,  
10 whistling effects, flitter sparks, or balls of colored sparks,  
11 and includes combination items that [~~contain~~] produce one or  
12 more of these effects. [~~Consumer~~] Alternatively, "consumer  
13 fireworks" [shall comply] may include but is not limited to any  
14 firework that complies with the construction, chemical  
15 composition, and labeling regulations of the United States  
16 Consumer Product Safety Commission as set forth in [~~Title~~] title  
17 16 Code of Federal Regulations and fireworks classified as  
18 UN0336 and UN0337 by the United States Department of  
19 Transportation as set forth in [~~Title~~] title 49 Code of Federal  
20 Regulations. "Consumer fireworks" may include but need not be  
21 limited to firework items commonly known as firecrackers that



1 are single paper cylinders not exceeding one and one-half inches  
2 in length excluding the fuse and one-quarter of an inch in  
3 diameter [~~and contain a charge of not more than fifty milligrams~~  
4 ~~of pyrotechnic composition~~], snakes, sparklers, fountains, and  
5 cylindrical or cone fountains that emit effects up to a height  
6 [~~not~~] no greater than twelve feet above the ground, illuminating  
7 torches, bamboo cannons, whistles, toy smoke devices, wheels,  
8 and ground spinners that when ignited remain within a circle  
9 with a radius of twelve feet as measured from the point where  
10 the item was placed and ignited, novelty or trick items,  
11 combination items, and other fireworks of like construction that  
12 are designed to produce the same or similar effects."

13 4. By amending the definitions of "display fireworks",  
14 "fireworks", and "import" to read:

15 "Display fireworks" means any fireworks designed primarily  
16 for exhibition display by producing visible or audible effects  
17 and classified as display fireworks or contained in the  
18 regulations of the United States Department of Transportation  
19 and designated as UN0333, UN0334, or UN0335, and includes  
20 salutes containing more than two grains (one hundred and thirty  
21 milligrams) of explosive materials, aerial shells containing



1 more than forty grams of pyrotechnic compositions, and other  
2 display pieces [~~which~~] that exceed the limits of explosive  
3 materials for classification as "consumer fireworks". [~~This~~  
4 ~~term~~] "Display fireworks" also includes fused [~~setpieces~~] set  
5 pieces containing components [~~, which~~] that together exceed fifty  
6 milligrams of salute [~~power.~~] powder. The use of display  
7 fireworks shall be prohibited for use by any person who does not  
8 have a display permit issued by a county.

9 "Fireworks" means any combustible or explosive composition,  
10 or any substance or combination of substances, [~~or article~~  
11 ~~prepared for the purpose of producing~~] that produces a visible  
12 or audible effect by combustion, explosion, deflagration, or  
13 detonation [~~and that meets the definition of aerial device or~~  
14 ~~consumer or display fireworks as defined by this section and~~  
15 ~~contained~~], including but not limited to aerial devices,  
16 consumer fireworks, or display fireworks as defined by this  
17 section. "Fireworks" also includes but is not limited to aerial  
18 devices, consumer fireworks, or display fireworks, as defined in  
19 the regulations of the United States Department of  
20 Transportation as set forth in [~~Title~~] title 49 Code of Federal  
21 Regulations. [~~The term "fireworks" shall~~] "Fireworks" does not



1 include any explosives or pyrotechnics regulated under chapter  
2 396 or automotive safety flares, nor shall the term be construed  
3 to include toy pistols, toy cannons, toy guns, party poppers,  
4 pop-its, or ~~[ether]~~ similar devices ~~[which contain twenty-five~~  
5 ~~hundredths of a grain or less of explosive substance]~~.

6 "Import" (and any nounal, verbal, adjectival, adverbial,  
7 and other equivalent form of the term used interchangeably in  
8 this chapter) means to bring or attempt to bring ~~[fireworks]~~  
9 into the State or to cause ~~[fireworks]~~ to be brought into the  
10 State~~[,]~~ any aerial devices, articles pyrotechnic, consumer  
11 fireworks, or display fireworks, as defined in this section or  
12 as defined by the United States Department of Transportation as  
13 set forth in title 49 Code of Federal Regulations, and includes  
14 ~~[fireworks]~~ any aerial devices, articles pyrotechnic, consumer  
15 fireworks, or display fireworks labeled or designated as  
16 samples, even if not intended for retail sale."

17 5. By amending the definition of "pyrotechnic composition"  
18 or "pyrotechnic contents" to read:

19 "'Pyrotechnic composition" or "pyrotechnic contents" means  
20 the combustible or explosive component of aerial devices,



1 articles pyrotechnic, consumer fireworks, and display  
2 fireworks."

3 6. By repealing the definition of "law enforcement or fire  
4 officer".

5 [~~"Law enforcement or fire officer" means any law~~  
6 ~~enforcement officer having police power or county fire~~  
7 ~~department officer, including firefighters."]~~

8 SECTION 5. Section 132D-5, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§132D-5 General fireworks or articles pyrotechnic**

11 **prohibitions[-] in the first degree.** (a) It shall be unlawful  
12 for any person [~~without a permit issued under section 132D-10 by~~  
13 ~~a county fire department]~~ to:

14 [~~(1) Remove or extract the pyrotechnic contents from any~~  
15 ~~fireworks;~~

16 ~~(2)]~~ (1) Throw, catapult, or otherwise manually propel any  
17 ignited aerial devices, articles pyrotechnic, consumer  
18 fireworks, or display fireworks:

19 (A) From, at, or into a vehicle;

20 (B) At a person or an animal; [~~and~~] or

21 (C) From above the first floor of any building; or



- 1        [~~(3)~~] (2) Set off, ignite, discharge, or otherwise cause to  
2                    explode any aerial devices, articles pyrotechnic,  
3                    consumer fireworks, or display fireworks:
- 4                    (A) [~~Above~~] From above the first floor of any  
5                    building;
- 6                    (B) In any vehicle;
- 7        [~~(C)~~] ~~At any time not within the periods for use~~  
8                    ~~prescribed in section 132D-3;~~
- 9        ~~(D) Within one thousand feet of any operating~~  
10                    ~~hospital, licensed convalescent home, licensed~~  
11                    ~~home for the elderly, zoo, licensed animal~~  
12                    ~~shelter, or licensed animal hospital;~~
- 13        ~~(E) In any school building, or on any school grounds~~  
14                    ~~and yards without first obtaining authorization~~  
15                    ~~from appropriate school officials;~~
- 16        ~~(F) On any highway, alley, street, sidewalk, or other~~  
17                    ~~public way; in any park; on any public beach; in~~  
18                    ~~any officially designated forest or wildlife~~  
19                    ~~preserve; within fifty feet of a canefield; or~~  
20                    ~~within one thousand feet of any building used for~~



1 ~~public worship during the periods when services~~  
2 ~~are held; and~~

3 ~~(C) Within five hundred feet of any hotel.~~

4 ~~(b) It shall be unlawful to purchase consumer fireworks~~  
5 ~~more than five calendar days before the time periods for~~  
6 ~~permissible use under section 132D-3.~~

7 ~~(c) It shall be unlawful to sell consumer fireworks after~~  
8 ~~12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's~~  
9 ~~Day, and 8:00 p.m. on the Fourth of July.] or~~

10 (C) In any building; provided that firecrackers shall  
11 be permitted if used in accordance with sections  
12 132D-3 and 132D-10 and all other applicable state  
13 and county laws, ordinances, and rules.

14 (b) Except as provided in subsections (c) and (d), the  
15 offense of general fireworks or articles pyrotechnic  
16 prohibitions in the first degree shall be a class C felony.

17 (c) If in the commission of the offense of general  
18 fireworks or articles pyrotechnic prohibitions in the first  
19 degree the person negligently causes substantial bodily injury  
20 to another person, the person shall be guilty of a class B  
21 felony.



1       (d) If in the commission of the offense of general  
2 fireworks or articles pyrotechnic prohibitions in the first  
3 degree the person negligently causes serious bodily injury or  
4 death to another person, the person shall be guilty of a class A  
5 felony."

6       SECTION 6. Section 132D-6, Hawaii Revised Statutes, is  
7 amended to read as follows:

8       "**§132D-6 Exceptions.** The prohibitions in [~~section~~]  
9 sections 132D-5 [~~de~~], 132D-A, and 132D-D shall not apply to:

10       (1) The use of flares, noisemakers, or signals for  
11       warning[~~r~~] or pest control, or illumination purposes  
12       by police and fire departments, utility companies,  
13       transportation agencies, and other governmental or  
14       private agencies or persons, including agricultural  
15       operations, in connection with emergencies, their  
16       duties, or business;

17       (2) The sale or use of blank cartridges for a show or  
18       theater, or for signal, commercial, or institutional  
19       purposes in athletics or sports;



1 (3) The purchase and use of aerial devices, articles  
2 pyrotechnic, consumer fireworks, [~~aerial devices,~~] or  
3 display fireworks[~~, or articles pyrotechnic~~]:

4 (A) In a movie, television production, or theatrical  
5 production for which valid permits have been issued  
6 by a county pursuant to section 132D-10; and

7 (B) In a movie or television production for which  
8 valid permits have been issued by the department  
9 of business, economic development, and tourism  
10 pursuant to section 201-14, or for which permits  
11 have been approved by the authority having  
12 jurisdiction; and

13 (4) The testing, disposal, or destruction of [~~illegal~~] any  
14 fireworks or articles pyrotechnic by an agency with  
15 authority to enforce this chapter."

16 SECTION 7. Section 132D-7, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§132D-7 License or permit required.** A person shall not:

19 (1) Import, store, [~~offer to sell, or sell,~~] or  
20 distribute, including at wholesale or retail, any  
21 aerial devices, [~~display fireworks,~~] articles



1           pyrotechnic, ~~[or]~~ consumer fireworks, or display  
2           fireworks unless the person has a valid license issued  
3           ~~[by the county,]~~ pursuant to this chapter; or  
4           (2) Possess any aerial devices, ~~[display fireworks, or]~~  
5           articles pyrotechnic, or display fireworks without a  
6           valid license to import, store, or ~~[sell]~~ distribute  
7           aerial devices, ~~[display fireworks, or]~~ articles  
8           pyrotechnic, or display fireworks, or a valid display  
9           permit ~~[as provided for in]~~ issued pursuant to this  
10           chapter."

11           SECTION 8. Section 132D-8.6, Hawaii Revised Statutes, is  
12           amended by amending subsection (a) to read as follows:

13           "(a) Any person who has obtained a license ~~[under]~~  
14           required pursuant to section 132D-7 and ships fireworks or  
15           articles pyrotechnic into the State shall:

- 16           (1) Clearly designate the types of fireworks or articles  
17           pyrotechnic in each shipment on the bill of lading or  
18           shipping manifest with specificity;
- 19           (2) Declare on the bill of lading or shipping manifest the  
20           gross weight of aerial devices, articles pyrotechnic,  
21           consumer fireworks, and display fireworks~~[, articles~~

1 ~~pyrotechnic, and aerial devices~~] to be imported in  
2 each shipment and the location of the storage  
3 facility, if applicable, in which the fireworks or  
4 articles pyrotechnic are to be stored;

5 (3) [~~Prior to~~] Before shipment and when booking each  
6 shipment of fireworks[~~, display fireworks,~~] or  
7 articles pyrotechnic[~~, or aerial devices~~] notify the  
8 [~~appropriate county official as determined by the~~  
9 ~~county~~] Hawaii state fire marshal regarding whether  
10 the shipment will be distributed from:

11 (A) Pier to pier;

12 (B) Pier to warehouse or storage facility; or

13 (C) Pier to redistribution;

14 (4) [~~Prior to~~] Before booking the shipment, provide to the  
15 [~~applicable county fire chief:~~] Hawaii state fire  
16 marshal:

17 (A) Written documentation regarding the proposed  
18 display event or events and related contact  
19 information to allow the fire chief to validate  
20 the importation of a three-month or six-month  
21 inventory under section 132D-8.5; and



1 (B) An inventory breakdown for each proposed display;  
2 and

3 (5) At the time shipping is booked, the importer or  
4 consignee shall notify the [~~appropriate county~~  
5 ~~official as determined by the county~~] Hawaii state  
6 fire marshal in writing of the expected shipment's  
7 landing date[-]; provided that:

8 (A) Notifications shall be made through a system  
9 designated by the Hawaii state fire marshal; and

10 (B) If a licensee fails to notify the Hawaii state  
11 fire marshal two or more times within one year of  
12 the issuance of a license, the license may be  
13 revoked."

14 SECTION 9. Section 132D-10, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§132D-10 Permits.** (a) A permit shall be required for  
17 the purchase and use of:

18 (1) Any consumer fireworks commonly known as firecrackers  
19 upon payment of a fee of \$25;



1 (2) Any aerial devices, [~~display fireworks, or~~] articles  
2 pyrotechnic, or display fireworks for the purposes of  
3 section 132D-16 upon payment of a fee of \$110; and

4 (3) Any consumer fireworks [~~for the purposes of section~~  
5 ~~132D-5 or~~] for cultural uses that occur at any time  
6 other than during the periods prescribed in section  
7 132D-3(1) upon a payment of a fee of \$25.

8 (b) Each person may purchase a maximum of fifty permits  
9 per year."

10 SECTION 10. Section 132D-12, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§132D-12 [Sale] Distribution to minors; [~~sale by minors,~~**  
13 **prohibited.** (a) It shall be unlawful for any person to [~~offer~~  
14 ~~for sale, sell, or give~~] distribute any aerial devices, articles  
15 pyrotechnic, consumer fireworks, or [~~articles pyrotechnic~~]  
16 display fireworks to minors, [~~and for any minor to possess,~~  
17 ~~purchase, sell, or set off, ignite, or otherwise cause to~~  
18 ~~explode any fireworks or articles pyrotechnic,~~] except as  
19 provided in section 132D-13.

20 (b) Any person who violates this section shall be guilty  
21 of a class C felony."



1 SECTION 11. Section 132D-13, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§132D-13 Liability of parents or guardians.** [~~The~~  
4 ~~parents,~~] (a) Except as provided in subsection (b), it shall be  
5 unlawful for a parent, guardian, [and] or other [persons] person  
6 having the custody or control of any minor[~~, who~~] to knowingly  
7 permit the minor to [possess,]:

8 (1) Possess or purchase[~~, or set~~] any aerial devices,  
9 articles pyrotechnic, consumer fireworks, or display  
10 fireworks; or

11 (2) Set off, ignite, discharge, or otherwise cause to  
12 explode any aerial devices, articles pyrotechnic,  
13 consumer fireworks, or display fireworks [~~or articles~~  
14 pyrotechnic, shall be deemed to be in violation of  
15 this chapter and shall be subject to the penalties  
16 thereunder, except that the parents].

17 (b) The parent or guardian may allow the minor to use  
18 consumer fireworks while under the immediate supervision and  
19 control of the parent or guardian, or under the immediate  
20 supervision and control of another adult.



1       (c) Separate and apart from any civil liability that may  
2 result from this or any related incident, and except as provided  
3 in subsections (d) and (e), the violation of subsection (a)  
4 shall be a misdemeanor.

5       (d) If any of the aerial devices, articles pyrotechnic,  
6 consumer fireworks, or display fireworks set off, ignited,  
7 discharged, or otherwise caused to explode in violation of  
8 subsection (a)(2) cause substantial bodily injury to another  
9 person, the violation of subsection (a) shall be a class C  
10 felony.

11       (e) If any of the aerial devices, articles pyrotechnic,  
12 consumer fireworks, or display fireworks set off, ignited,  
13 discharged, or otherwise caused to explode in violation of  
14 subsection (a)(2) cause serious bodily injury or death to  
15 another person, the violation of subsection (a) shall be a class  
16 B felony.

17       (f) The state of mind requirement for subsections (d) and  
18 (e) shall not be applicable to whether the person was aware that  
19 the aerial devices, articles pyrotechnic, consumer fireworks, or  
20 display fireworks caused or would cause the injury or death. A  
21 person shall be strictly liable with respect to the result that



1 the aerial devices, articles pyrotechnic, consumer fireworks, or  
2 display fireworks caused the injury or death."

3 SECTION 12. Section 132D-14, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§132D-14 Penalty.** (a) [Any] Except as provided in  
6 subsections (b) and (c), any person:

7 (1) Importing, storing, or distributing aerial devices,  
8 [display fireworks, or] articles pyrotechnic, consumer  
9 fireworks, or display fireworks without having a valid  
10 license [under] as required pursuant to section 132D-7  
11 [shall]:

12 (A) Shall be guilty of a class C felony; and

13 (B) Notwithstanding subparagraph (A), if the total  
14 weight of the aerial devices, articles  
15 pyrotechnic, consumer fireworks, and display  
16 fireworks is twenty-five pounds or more, shall be  
17 guilty of a class B felony; and

18 (2) Purchasing, possessing, setting off, igniting, [or]  
19 discharging, or otherwise causing to explode aerial  
20 devices, [display fireworks, or] articles pyrotechnic,  
21 or display fireworks without a valid permit [under]



1 required pursuant to sections 132D-10 and 132D-16~~[, or~~  
2 ~~storing, selling, or possessing aerial devices,~~  
3 ~~display fireworks, or articles pyrotechnic without a~~  
4 ~~valid license under section 132D-7, or allowing an~~  
5 ~~individual to possess, set off, ignite, discharge, or~~  
6 ~~otherwise cause to explode any aerial device in~~  
7 ~~violation of section 132D-14.5]:~~

8 (A) If the total weight of the aerial devices,  
9 articles pyrotechnic, and display fireworks is  
10 fifty pounds or more, shall be guilty of a class  
11 B felony;

12 ~~[-(A)]~~ (B) If the total weight of the aerial devices,  
13 [display fireworks, or] articles pyrotechnic, and  
14 display fireworks is twenty-five pounds or more,  
15 shall be guilty of a class C felony; [or

16 ~~-(B)]~~ (C) If the total weight of the aerial devices,  
17 [display fireworks, or] articles pyrotechnic, and  
18 display fireworks is [less than twenty-five  
19 pounds,] five pounds or more, shall be guilty of  
20 a misdemeanor; and



1           (D) If the total weight of the aerial devices,  
2           articles pyrotechnic, and display fireworks is  
3           less than five pounds and if the total weight  
4           cannot be determined, shall be fined \$300 and  
5           subject to proceedings under chapter .

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

10       ~~-(4) Who removes or extracts the pyrotechnic contents from~~  
11       ~~any fireworks or articles pyrotechnic and uses the~~  
12       ~~contents to construct fireworks, articles pyrotechnic,~~  
13       ~~or a fireworks or articles pyrotechnic related device~~  
14       ~~shall be guilty of a misdemeanor.]~~

15           (b) Any person who would otherwise be subject to  
16       sentencing for a criminal offense under subsection (a) shall be  
17       guilty of an offense one class or grade higher, as the case may  
18       be, than that provided in subsection (a) if:

19           (1) The person has been convicted one or more times for  
20           any offense under this chapter within ten years of the  
21           instant offense; or



1       (2) Any of the aerial devices, articles pyrotechnic,  
2       consumer fireworks, or display fireworks imported,  
3       stored, distributed, purchased, possessed, set off,  
4       ignited, discharged, or otherwise caused to explode in  
5       the commission of the offense under subsection (a)  
6       cause substantial bodily injury to another person.

7       (c) Any person who would otherwise be subject to  
8       sentencing for a criminal offense under subsection (a) shall be  
9       guilty of an offense two classes or grades higher, as the case  
10      may be, than that provided in subsection (a) if any of the  
11      aerial devices, articles pyrotechnic, consumer fireworks, or  
12      display fireworks imported, stored, distributed, purchased,  
13      possessed, set off, ignited, discharged, or otherwise caused to  
14      explode in the commission of the offense under subsection (a)  
15      cause serious bodily injury or death to another person; provided  
16      that for an offense already classified as a class B felony, the  
17      person shall be guilty of a class A felony.

18      (d) The state of mind requirement for subsections (b) and  
19      (c) shall not be applicable to whether the person was aware that  
20      any of the aerial devices, articles pyrotechnic, consumer  
21      fireworks, or display fireworks caused or would cause the injury



1 or death. A person shall be strictly liable with respect to the  
2 attendant circumstance that the aerial devices, articles  
3 pyrotechnic, consumer fireworks, or display fireworks caused the  
4 injury or death.

5 ~~[(b)]~~ (e) Except as provided in subsection (a), (b), or  
6 (c), or as otherwise specifically provided for in this chapter,  
7 any person violating any other provision of this chapter, shall  
8 be guilty of a violation and fined no less than \$500 and no more  
9 than \$5,000 for each violation. [~~Notwithstanding any provision~~  
10 ~~to the contrary in this section, any person violating section~~  
11 ~~132D-14.5 shall be fined at least \$500 and no more than \$5,000.~~]

12 ~~[(e)]~~ (f) The court shall collect the fines imposed in  
13 subsections (a) [~~and~~], (b), (c), and (e), for violating this  
14 chapter and, of the fines collected, shall pay twenty per cent  
15 to the State and eighty per cent to the county in which the fine  
16 was imposed, which shall be expended by the county for law  
17 enforcement purposes.

18 ~~[(d)]~~ (g) Notwithstanding any penalty set forth herein,  
19 violations of subsection (a) (1) [~~or (3)~~] may be subject to  
20 nuisance abatement proceedings provided in part V of chapter  
21 712.



- 1       ~~[(e) For the purposes of this section:~~
- 2       ~~(1) Each type of prohibited firework imported, purchased,~~  
3       ~~sold, possessed, set off, ignited, or discharged shall~~  
4       ~~constitute a separate violation for each unopened~~  
5       ~~package; and~~
- 6       ~~(2) Each separate firework imported, purchased, sold,~~  
7       ~~possessed, set off, ignited, or discharged shall be a~~  
8       ~~separate violation if the package is opened or the~~  
9       ~~firework is not in a package.~~
- 10       ~~(f) For the purposes of this section, "package":~~
- 11       ~~(1) Means any aerial device, display firework, or article~~  
12       ~~pyrotechnic:~~
- 13       ~~(A) Enclosed in a container or wrapped in any manner~~  
14       ~~in advance of wholesale or retail sale; and~~
- 15       ~~(B) With a weight or measure determined in advance of~~  
16       ~~wholesale or retail sale; and~~
- 17       ~~(2) Does not mean:~~
- 18       ~~(A) Inner wrappings not intended to be individually~~  
19       ~~sold to the customer;~~



1           ~~(B) Shipping containers or wrapping used solely for~~  
2           ~~the transportation of any commodities in bulk or~~  
3           ~~in quantity;~~

4           ~~(C) Auxiliary containers or outer wrappings used to~~  
5           ~~deliver commodities if the containers or~~  
6           ~~wrappings bear no printed matter pertaining to~~  
7           ~~any particular aerial device, display firework,~~  
8           ~~or article pyrotechnic;~~

9           ~~(D) Containers used for retail tray pack displays~~  
10           ~~when the container itself is not intended to be~~  
11           ~~sold; or~~

12           ~~(E) Open carriers and transparent wrappers or~~  
13           ~~carriers for containers when the wrappers or~~  
14           ~~carriers do not bear printed matter pertaining to~~  
15           ~~any particular aerial devices, display fireworks,~~  
16           ~~or articles pyrotechnic.] "~~

17           SECTION 13. Section 132D-14.5, Hawaii Revised Statutes, is  
18 amended to read as follows:

19           "~~[+]§132D-14.5[+] Liability of homeowner, renter, or~~  
20 **person otherwise responsible for real property. (a) A**  
21 homeowner, renter, or person otherwise responsible for ~~[the]~~



1 real property who intentionally, knowingly, [~~or~~] recklessly  
2 [allows], or negligently:

3 (1) Allows an individual, while on the real property, to  
4 possess, set off, ignite, discharge, or otherwise  
5 cause to explode any aerial [~~device~~] devices, articles  
6 pyrotechnic, or display fireworks without a permit  
7 issued pursuant to this chapter shall be [~~deemed to be~~  
8 in violation of this chapter and shall be subject to  
9 the penalties specified in section 132D-14(a)(2) and  
10 (b).] guilty of a petty misdemeanor;

11 (2) Allows any aerial devices, articles pyrotechnic,  
12 display fireworks, or pyrotechnic composition to be  
13 stored in the real property without a license issued  
14 pursuant to this chapter shall be guilty of a  
15 misdemeanor; and

16 (3) Notwithstanding paragraph (2), allows aerial devices,  
17 articles pyrotechnic, display fireworks, or  
18 pyrotechnic composition to be stored in the real  
19 property, if the total weight of the aerial devices,  
20 articles pyrotechnic, display fireworks, and  
21 pyrotechnic composition is twenty-five pounds or more



1           without a license issued pursuant to this chapter,  
2           shall be guilty of a class C felony.

3           (b) Any person who would otherwise be subject to  
4           sentencing under subsection (a) shall be guilty of an offense  
5           one class or grade higher, as the case may be, than that  
6           provided in subsection (a) if:

7           (1) The person has been convicted one or more times for  
8           any offense under this chapter within ten years of the  
9           instant offense; or

10          (2) Any of the aerial devices, articles pyrotechnic,  
11          display fireworks, or pyrotechnic composition  
12          possessed, set off, ignited, discharged, otherwise  
13          caused to explode, or stored in the violation of  
14          subsection (a) cause substantial bodily injury to  
15          another person.

16          (c) Any person who would otherwise be subject to  
17          sentencing under subsection (a) shall be guilty of an offense  
18          two classes or grades higher, as the case may be, than that  
19          provided in subsection (a) if any of the aerial devices,  
20          articles pyrotechnic, display fireworks, or pyrotechnic  
21          composition possessed, set off, ignited, discharged, otherwise



1 caused to explode, or stored in the violation of subsection (a)  
2 cause serious bodily injury or death to another person.

3 (d) The state of mind requirement for subsections (b) and  
4 (c) shall not be applicable to whether the person was aware that  
5 any of the aerial devices, articles pyrotechnic, display  
6 fireworks, or pyrotechnic composition caused or would cause the  
7 injury or death. A person shall be strictly liable with respect  
8 to the attendant circumstance that the aerial devices, articles  
9 pyrotechnic, display fireworks, or pyrotechnic composition  
10 caused the injury or death."

11 SECTION 14. Section 132D-15, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "[+]§132D-15[+] **Notice requirements.** Each licensed retail  
14 outlet shall post adequate notice that clearly cautions each  
15 person purchasing consumer fireworks of the prohibitions,  
16 liabilities, and penalties incorporated in sections 132D-12,  
17 132D-13, [~~and~~] 132D-14[~~+~~], and 132D-E."

18 SECTION 15. Section 132D-17.5, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "[+]§132D-17.5[+] **County ordinances.** (a) Nothing in this  
21 chapter shall be construed to supersede or in any manner affect



1 a county fireworks ordinance; provided that the ordinance is at  
2 least as stringent in the control or prohibition of aerial  
3 devices, articles pyrotechnic, consumer fireworks, and display  
4 fireworks as the law under this chapter.

5 (b) Nothing in this chapter shall prohibit a county from  
6 enacting ordinances that are more stringent in the control or  
7 prohibition of aerial devices, articles pyrotechnic, consumer  
8 fireworks, and display fireworks than this chapter."

9 SECTION 16. Section 132D-21, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "**§132D-21 Health care facilities; report of fireworks and**  
12 **articles pyrotechnic incidents.** (a) Health care facilities in  
13 this State shall report all incidents of serious injuries and  
14 fatalities caused by legal and illegal aerial devices, articles  
15 pyrotechnic, consumer fireworks, or display fireworks [~~or~~  
16 ~~articles pyrotechnic~~] to the department of health and the police  
17 department of the county in which the person was attended or  
18 treated. All reports shall be in writing or in the manner  
19 specified by the department of health.

20 (b) As used in this section, "health care facilities"  
21 includes any outpatient clinic, emergency room, or physician's



1 office, private or public, whether organized for profit or not,  
2 used, operated, or designed to provide medical diagnosis,  
3 treatment, nursing, rehabilitative, or preventive care to any  
4 person or persons. [~~The term~~] "Health care facilities" includes  
5 but is not limited to health care facilities that are commonly  
6 referred to as hospitals, extended care and rehabilitation  
7 centers, nursing homes, skilled nursing facilities, intermediate  
8 care facilities, hospices for the terminally ill that require  
9 licensure or certification by the department of health, kidney  
10 disease treatment centers, including freestanding hemodialysis  
11 units, outpatient clinics, organized ambulatory health care  
12 facilities, emergency care facilities and centers, home health  
13 agencies, health maintenance organizations, and others providing  
14 similarly organized services regardless of nomenclature."

15 SECTION 17. Section 132D-22, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "~~[§]§132D-22[§]~~ **Entry onto premises; inspection of**  
18 **premises, books, and records; obstructing [~~law enforcement or~~**  
19 **~~fire department]~~ inspector operations; penalty. (a) Any [~~law~~**  
20 **~~enforcement or fire officer]~~ inspector may, at reasonable hours,  
21 enter and inspect the premises of a licensee or permittee and**



1 any relevant books or records therein to verify compliance with  
2 this chapter and the conditions of the license or permit.

3 (b) Upon a request by any [~~law enforcement or fire~~  
4 ~~officer~~] inspector to enter and inspect the premises of a  
5 licensee or permittee at reasonable hours, the licensee, the  
6 permittee, or an employee of the licensee or permittee shall  
7 make available for immediate inspection and examination the  
8 premises and all relevant books and records therein.

9 (c) Any licensee or permittee who refuses the [~~law~~  
10 ~~enforcement or fire officer~~] inspector entry or access to the  
11 premises, books, or records shall be in violation of the  
12 conditions of the license or permit. After a hearing, the  
13 issuing department shall suspend or revoke the license or permit  
14 for refusing entry or access or for violations of any other  
15 requirement or condition of the license or permit or any  
16 provision of this chapter or rule adopted pursuant to this  
17 chapter. The issuing department shall provide the licensee or  
18 permittee with a written notice and order describing the basis  
19 for the suspension or revocation. Any person aggrieved by the  
20 suspension or revocation determination may request a contested  
21 case hearing pursuant to chapter 91. To request a contested



1 case hearing, the person shall submit a written request to the  
2 issuing department within thirty calendar days of the date of  
3 the notice and order of the suspension or revocation. Appeal to  
4 the circuit court under section 91-14, or any other applicable  
5 statute, shall only be taken from the issuing department's final  
6 order pursuant to a contested case.

7 (d) Any licensee, permittee, employee of a licensee or  
8 permittee, or other person who:

9 (1) Threatens with the use of violence, force, or physical  
10 interference or obstacle, or hinders, obstructs, or  
11 prevents any [~~law enforcement or fire officer,~~  
12 inspector, or any person assisting [~~a law enforcement~~  
13 ~~or fire officer,~~ an inspector, from entering into the  
14 premises of the licensee or permittee; or

15 (2) Opposes, obstructs, or molests [~~a law enforcement or~~  
16 ~~fire officer~~] an inspector in the [~~officer's~~  
17 inspector's enforcement of this chapter,

18 shall be guilty of a misdemeanor, punishable by a fine of no  
19 more than \$2,000 or imprisonment for no more than one year, or  
20 both.



1 (e) If any [~~law enforcement or fire officer,~~] inspector  
2 having demanded admittance onto the premises of a licensee or  
3 permittee and declared the [~~officer's~~] inspector's name and  
4 office, is not admitted by the licensee, permittee, or person in  
5 charge of the premises, the [~~officer~~] inspector may use force to  
6 enter the premises.

7 (f) For purposes of this section [~~,"premises"]:~~

8 "Inspector" means any law enforcement officer or county  
9 fire department officer, including firefighters.

10 "Premises of a licensee or permittee" does not include the  
11 licensee's or permittee's private residence or a dwelling that  
12 is considered to be the person's [~~home,~~] dwelling, including a  
13 [~~single family~~] single-family house, apartment unit,  
14 condominium, townhouse, or cooperative unit."

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

17 "(f) The judge, or the senior judge if there is more than  
18 one, may by order confer concurrent jurisdiction on a district  
19 court created under chapter 604 to hear and dispose of cases of  
20 violation of traffic laws, traffic ordinances, [~~or~~] emergency  
21 period rules, or fireworks infractions established pursuant to



1 chapter \_\_\_\_\_, by children, provision to the contrary in section  
2 571-11 or elsewhere notwithstanding. The exercise of  
3 jurisdiction over children by district courts shall,  
4 nevertheless, be considered noncriminal in procedure and result  
5 in the same manner as though the matter had been adjudicated and  
6 disposed of by a family court."

7 SECTION 19. Section 601-3.7, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

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

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

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

18 (3) Fees pursuant to sections -8(c), 607-4(b)(10), and  
19 607-5(c)(32)."

20 SECTION 20. Section 712-1270, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "§712-1270 Places used to commit offenses against public  
2 health and morals or other offenses, a nuisance. Every  
3 building, premises, or place used for the purpose of violating:

4           (1) Those laws pertaining to offenses against public  
5 health and morals contained in this chapter, except  
6 offenses under part IV that do not involve the  
7 manufacture or distribution of drugs and activities  
8 under part III that involve only social gambling as  
9 defined in section 712-1231(a);

10          (2) Section 132D-14(a)(1) [~~or (3)~~]; or

11          (3) Any offense under part II of chapter 708 that involves  
12 a person unlawfully residing on or otherwise occupying  
13 real property to which the person has no title, lease,  
14 or other legal claim,

15 and every building, premises, or place in or upon which  
16 violations of any of the laws set forth in paragraph (1), (2),  
17 or (3) are held or occur, is a nuisance that shall be enjoined,  
18 abated, and prevented, regardless of whether it is a public or  
19 private nuisance."

20           SECTION 21. Section 712-1270.3, Hawaii Revised Statutes,  
21 is amended to read as follows:



1           "**§712-1270.3 Citizen's rights.** Any citizen who brings a  
2 nuisance abatement suit against a place used for the purpose of  
3 committing:

4           (1) Fireworks related offenses contained in section 132D-  
5           14(a)(1) [~~or (3)~~]; or

6           (2) Drug offenses under part IV of this chapter or who  
7           files a complaint with the local police or drug  
8           nuisance abatement unit of the department of the  
9           attorney general,

10 shall be entitled to the same rights and protections of victims  
11 and witnesses in criminal proceedings in accordance with chapter  
12 801D."

13           SECTION 22. Section 712-1281, Hawaii Revised Statutes, is  
14 amended to read as follows:

15           "**[+]§712-1281 Forfeiture; fireworks.[+]** In addition to  
16 any other penalty that may be imposed for violation of section  
17 132D-14(a)(1) [~~or (3)~~], any property used or intended for use in  
18 the commission of, attempt to commit, or conspiracy to commit an  
19 offense under section 132D-14(a)(1) [~~or (3)~~], or that  
20 facilitated or assisted such activity, and any proceeds or other  
21 property acquired or maintained with the proceeds from violation



1 of section 132D-14(a)(1) [~~or (3)~~] may be subject to forfeiture  
2 pursuant to chapter 712A."

3 SECTION 23. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so  
5 much thereof as may be necessary for fiscal year 2025-2026 and  
6 the same sum or so much thereof as may be necessary for fiscal  
7 year 2026-2027 to carry out the purposes of this Act, including  
8 to update the judiciary information management system to  
9 implement the adjudications process established by section 2 of  
10 this Act.

11 The sums appropriated shall be expended by the judiciary  
12 for the purposes of this Act.

13 SECTION 24. In codifying the new sections added by section  
14 3 of this Act, the revisor of statutes shall substitute  
15 appropriate section numbers for the letters used in designating  
16 the new sections in this Act.

17 SECTION 25. This Act does not affect rights and duties  
18 that matured, penalties that were incurred, and proceedings that  
19 were begun before its effective date.

20 SECTION 26. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



**1** SECTION 27. This Act shall take effect on July 1, 3000.



**Report Title:**

Fireworks; Adjudication; Criminal Offenses; Penalties;  
Infractions; Appropriation

**Description:**

Establishes an adjudication system and procedures to process fireworks infractions. Amends multiple definitions and penalties for fireworks offenses, including heightened penalties if another person suffers substantial bodily injury, serious bodily injury, or death as a result of the fireworks offenses. Establishes various criminal offenses and penalties related to fireworks or articles pyrotechnics. Appropriates funds. Effective 7/1/3000. (HD1)

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

