
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 provided that this paragraph shall not limit the
5 ability of retailers licensed pursuant to section
6 132D-7 to store and transport consumer fireworks; or
7 (2) Set off, ignite, discharge, or otherwise cause to
8 explode any consumer fireworks at any time not within
9 the periods for use prescribed in section 132D-3.
10 (b) It shall be unlawful for any person to distribute
11 consumer fireworks:
12 (1) More than seven calendar days before the time periods
13 for permissible use under section 132D-3; or
14 (2) After 12:01 a.m. on New Year's Day, 6:00 p.m. on
15 Chinese New Year's Day, or 8:00 p.m. on the Fourth of
16 July.
17 (c) The state of mind requirement for the offense under
18 subsections (a) (2) and (b) shall not be applicable to whether
19 the person was aware of the date or time at the time of offense,
20 or whether the date and time of offense fell within the
21 prohibited periods. A person shall be strictly liable with



1 respect to the date and time of any act proven to have occurred,
2 and with respect to the attendant circumstance that the date and
3 time fell within the prohibited dates and times provided in
4 subsections (a) (2) and (b).

5 (d) Any person who violates:

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

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

8 (3) This section shall be subject to proceedings under
9 chapter _____ ;

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

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

19 (b) If the law enforcement officer has reasonable grounds
20 to believe that the person is being deceptive or misleading in
21 providing the person's name or address, the person shall provide



1 proof thereof, upon the lawful order or direction of the law
2 enforcement officer.

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

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

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

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

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



1 (b) For a first offense, or any offense not committed
2 within five years of a prior judgment for the State under this
3 section, the carrier or person shall be subject to a \$1,000
4 fine.

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

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

12 (e) All violations of this section shall be subject to
13 proceedings under chapter . Nothing in this section shall be
14 construed to prohibit criminal prosecution under section 132D-
15 8.6 or any other section of this chapter."

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

18 1. By adding five new definitions to be appropriately
19 inserted and to read:



1 "Carrier" means any shipper or anyone who transports
2 goods, merchandise, property, or people by rail car, aircraft,
3 motor vehicle, or vessel.

4 "Distribute" or "distribution" means to sell, transfer,
5 deliver to another, give or deliver to another, or to leave,
6 barter, or exchange with another, or to offer or agree to do the
7 same.

8 "Dwelling" means a building that is used or usually used by
9 a person for lodging.

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

14 "Substantial bodily injury" means bodily injury that causes
15 a:

16 (1) Major avulsion, laceration, or penetration of the
17 skin;

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

19 (3) Bone fracture;

20 (4) Serious concussion; or



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

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

4 "Aerial device" means any fireworks [~~containing one~~
5 hundred thirty milligrams or less of explosive materials that
6 produces an audible or visible effect and is designed to rise]
7 that upon ignition, discharge, or otherwise being set off rises
8 more than twelve feet into the air and [~~explode or detonate]~~
9 then combusts, explodes, deflagrates, or detonates in the air,
10 shoots or emits flaming balls, or [~~to fly about above the~~
11 ground, and that is prohibited for use by any person who does
12 not have a permit for display issued by a county under section
13 132D-16. "Aerial devices"] shoots or emits sparks.

14 Alternatively, "aerial device" may include but is not limited to
15 any device classified as fireworks under UN0336 and UN0337 by
16 the United States Department of Transportation as set forth in
17 [Title] title 49 Code of Federal Regulations [~~include~~] that
18 contains one hundred thirty milligrams or less of explosive
19 materials, including firework items commonly known as bottle
20 rockets, sky rockets, missile-type rockets, helicopters,
21 torpedoes, daygo bombs, roman candles, flying pigs, and jumping



1 jacks that move about the ground farther than a circle with a
2 radius of twelve feet as measured from the point where the item
3 was placed and ignited, aerial shells, and mines."

4 3. By amending the definition of "consumer fireworks" to
5 read:

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



1 Transportation as set forth in [Title] title 49 Code of Federal
2 Regulations. "Consumer fireworks" may include but need not be
3 limited to firework items commonly known as firecrackers that
4 are single paper cylinders not exceeding one and one-half inches
5 in length excluding the fuse and one-quarter of an inch in
6 diameter [~~and contain a charge of not more than fifty milligrams~~
7 ~~of pyrotechnic composition~~], snakes, sparklers, fountains, and
8 cylindrical or cone fountains that emit effects up to a height
9 [~~not~~] no greater than twelve feet above the ground, illuminating
10 torches, bamboo cannons, whistles, toy smoke devices, wheels,
11 and ground spinners that when ignited remain within a circle
12 with a radius of twelve feet as measured from the point where
13 the item was placed and ignited, novelty or trick items,
14 combination items, and other fireworks of like construction that
15 are designed to produce the same or similar effects."

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

18 ""Display fireworks" means any fireworks designed primarily
19 for exhibition display by producing visible or audible effects
20 and classified as display fireworks or contained in the
21 regulations of the United States Department of Transportation



1 and designated as UN0333, UN0334, or UN0335, and includes
2 salutes containing more than two grains (one hundred and thirty
3 milligrams) of explosive materials, aerial shells containing
4 more than forty grams of pyrotechnic compositions, and other
5 display pieces ~~[which]~~ that exceed the limits of explosive
6 materials for classification as "consumer fireworks". ~~[This~~
7 ~~term]~~ "Display fireworks" also includes fused ~~[setpieces]~~ set
8 pieces containing components~~[, which]~~ that together exceed fifty
9 milligrams of salute ~~[power.]~~ powder. The use of display
10 fireworks shall be prohibited for use by any person who does not
11 have a display permit issued by a county.

12 "Fireworks" means any combustible or explosive composition,
13 or any substance or combination of substances, ~~[or article~~
14 ~~prepared for the purpose of producing]~~ that produces a visible
15 or audible effect by combustion, explosion, deflagration, or
16 detonation ~~[and that meets the definition of aerial device or~~
17 ~~consumer or display fireworks as defined by this section and~~
18 ~~contained],~~ including but not limited to aerial devices,
19 consumer fireworks, or display fireworks as defined by this
20 section. "Fireworks" also includes but is not limited to aerial
21 devices, consumer fireworks, or display fireworks, as defined in



1 the regulations of the United States Department of
2 Transportation as set forth in [~~Title~~] title 49 Code of Federal
3 Regulations. [~~The term "fireworks" shall~~] "Fireworks" does not
4 include any explosives or pyrotechnics regulated under chapter
5 396 or automotive safety flares, nor shall the term be construed
6 to include toy pistols, toy cannons, toy guns, party poppers,
7 pop-its, or [~~other~~] similar devices [~~which contain twenty-five~~
8 ~~hundredths of a grain or less of explosive substance~~].

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

20 5. By amending the definition of "pyrotechnic composition"
21 or "pyrotechnic contents" to read:



1 "Pyrotechnic composition" or "pyrotechnic contents" means
2 the combustible or explosive component of aerial devices,
3 articles pyrotechnic, consumer fireworks, and display
4 fireworks."

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

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

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

12 "**§132D-5 General fireworks or articles pyrotechnic**
13 **prohibitions[-] in the first degree.** (a) It shall be unlawful
14 for any person [~~without a permit issued under section 132D-10 by~~
15 ~~a county fire department]~~ to:

16 [~~(1) Remove or extract the pyrotechnic contents from any~~
17 ~~fireworks;~~

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

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



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



1 ~~within one thousand feet of any building used for~~
2 ~~public worship during the periods when services~~
3 ~~are held; and~~

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

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

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

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

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

18 (c) If in the commission of the offense of general
19 fireworks or articles pyrotechnic prohibitions in the first
20 degree the person negligently causes substantial bodily injury



1 to another person, the person shall be guilty of a class B
2 felony.

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

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

10 "**§132D-6 Exceptions.** The prohibitions in [~~section~~]
11 sections 132D-5 [~~de~~], 132D-A, and 132D-D shall not apply to:

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

19 (2) The sale or use of blank cartridges for a show or
20 theater, or for signal, commercial, or institutional
21 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 permit shall be required for the
17 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 SECTION 10. Section 132D-12, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§132D-12 [Sale] Distribution to minors; [sale by minors]**
11 **prohibited.** (a) It shall be unlawful for any person to [~~offer~~
12 ~~for sale, sell, or give~~] distribute any aerial devices, articles
13 pyrotechnic, consumer fireworks, or [~~articles pyrotechnic]~~
14 display fireworks to minors, [~~and for any minor to possess,~~
15 ~~purchase, sell, or set off, ignite, or otherwise cause to~~
16 ~~explode any fireworks or articles pyrotechnic,~~] except as
17 provided in section 132D-13.

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

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



1 "§132D-13 Liability of parents or guardians. [~~The~~
2 ~~parents,~~] (a) Except as provided in subsection (b), it shall be
3 unlawful for a parent, guardian, [~~and~~] or other [~~persons~~] person
4 having the custody or control of any minor[~~, who~~] to knowingly
5 permit the minor to [~~possess,~~]:

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

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

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

19 (c) Separate and apart from any civil liability that may
20 result from this or any related incident, and except as provided



1 in subsections (d) and (e), the violation of subsection (a)
2 shall be a misdemeanor.

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

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

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



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

3 **"§132D-14 Penalty.** (a) [Any] Except as provided in
4 subsections (b) and (c), any person:

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

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

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

16 (2) Purchasing, possessing, setting off, igniting, [or]
17 discharging, or otherwise causing to explode aerial
18 devices, [display fireworks, or] articles pyrotechnic,
19 or display fireworks without a valid permit [under]
20 required pursuant to sections 132D-10 and 132D-16 [, or
21 storing, selling, or possessing aerial devices,



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

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

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

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

19 (D) If the total weight of the aerial devices,
20 articles pyrotechnic, and display fireworks is
21 less than five pounds and if the total weight



1 cannot be determined, shall be fined \$300 and
2 subject to proceedings under chapter .

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

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

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

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

19 (2) Any of the aerial devices, articles pyrotechnic,
20 consumer fireworks, or display fireworks imported,
21 stored, distributed, purchased, possessed, set off,



1 ignited, discharged, or otherwise caused to explode in
2 the commission of the offense under subsection (a)
3 cause substantial bodily injury to another person.

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

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



1 pyrotechnic, consumer fireworks, or display fireworks caused the
2 injury or death.

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

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

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

20 ~~[(e)] For the purposes of this section:~~



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



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

6 ~~(D) Containers used for retail tray pack displays~~
7 ~~when the container itself is not intended to be~~
8 ~~sold; or~~

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

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

16 "**[+]§132D-14.5[+] Liability of homeowner, renter, or**
17 **person otherwise responsible for real property. (a) A**
18 homeowner, renter, or person otherwise responsible for [the]
19 real property who intentionally, knowingly, [or] recklessly
20 [~~allows~~], or negligently:



- 1 (1) Allows an individual, while on the real property, to
2 possess, set off, ignite, discharge, or otherwise
3 cause to explode any aerial [device] devices, articles
4 pyrotechnic, or display fireworks without a permit
5 issued pursuant to this chapter shall be [deemed to be
6 in violation of this chapter and shall be subject to
7 the penalties specified in section 132D-14(a)(2) and
8 (b)-.] guilty of a petty misdemeanor;
- 9 (2) Allows any aerial devices, articles pyrotechnic,
10 display fireworks, or pyrotechnic composition to be
11 stored in the real property without a license issued
12 pursuant to this chapter shall be guilty of a
13 misdemeanor; and
- 14 (3) Notwithstanding paragraph (2), allows aerial devices,
15 articles pyrotechnic, display fireworks, or
16 pyrotechnic composition to be stored in the real
17 property, if the total weight of the aerial devices,
18 articles pyrotechnic, display fireworks, and
19 pyrotechnic composition is twenty-five pounds or more
20 without a license issued pursuant to this chapter,
21 shall be guilty of a class C felony.



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

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

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

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



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

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

11 "[+]§132D-15[+] **Notice requirements.** Each licensed retail
12 outlet shall post adequate notice that clearly cautions each
13 person purchasing consumer fireworks of the prohibitions,
14 liabilities, and penalties incorporated in sections 132D-12,
15 132D-13, [~~and~~] 132D-14[~~-~~], and 132D-E."

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

18 "[+]§132D-17.5[+] **County ordinances.** (a) Nothing in this
19 chapter shall be construed to supersede or in any manner affect
20 a county fireworks ordinance; provided that the ordinance is at
21 least as stringent in the control or prohibition of aerial



1 devices, articles pyrotechnic, consumer fireworks, and display
2 fireworks as the law under this chapter.

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

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

9 **"§132D-21 Health care facilities; report of fireworks and**
10 **articles pyrotechnic incidents.** (a) Health care facilities in
11 this State shall report all incidents of serious injuries and
12 fatalities caused by legal and illegal aerial devices, articles
13 pyrotechnic, consumer fireworks, or display fireworks [~~or~~
14 ~~articles pyrotechnic~~] to the department of health and the police
15 department of the county in which the person was attended or
16 treated. All reports shall be in writing or in the manner
17 specified by the department of health.

18 (b) As used in this section, "health care facilities"
19 includes any outpatient clinic, emergency room, or physician's
20 office, private or public, whether organized for profit or not,
21 used, operated, or designed to provide medical diagnosis,



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

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

15 "~~[+]§132D-22[+]~~ **Entry onto premises; inspection of**
16 **premises, books, and records; obstructing [~~law enforcement or~~**
17 **~~fire department]~~ inspector operations; penalty. (a) Any [~~law~~**
18 **~~enforcement or fire officer]~~ inspector may, at reasonable hours,
19 enter and inspect the premises of a licensee or permittee and
20 any relevant books or records therein to verify compliance with
21 this chapter and the conditions of the license or permit.**



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

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



1 the notice and order of the suspension or revocation. Appeal to
2 the circuit court under section 91-14, or any other applicable
3 statute, shall only be taken from the issuing department's final
4 order pursuant to a contested case.

5 (d) Any licensee, permittee, employee of a licensee or
6 permittee, or other person who:

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

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

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

19 (e) If any [~~law enforcement or fire officer,~~ inspector
20 having demanded admittance onto the premises of a licensee or
21 permittee and declared the [~~officer's]~~ inspector's name and



1 office, is not admitted by the licensee, permittee, or person in
2 charge of the premises, the [~~officer~~] inspector may use force to
3 enter the premises.

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

5 "Inspector" means any law enforcement officer or county
6 fire department officer, including firefighters.

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

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

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



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

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

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

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

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

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

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

19 "**§712-1270 Places used to commit offenses against public**
20 **health and morals or other offenses, a nuisance.** Every
21 building, premises, or place used for the purpose of violating:



1 (1) Those laws pertaining to offenses against public
2 health and morals contained in this chapter, except
3 offenses under part IV that do not involve the
4 manufacture or distribution of drugs and activities
5 under part III that involve only social gambling as
6 defined in section 712-1231(a);
7 (2) Section 132D-14(a)(1) [~~or (3)~~]; or
8 (3) Any offense under part II of chapter 708 that involves
9 a person unlawfully residing on or otherwise occupying
10 real property to which the person has no title, lease,
11 or other legal claim,
12 and every building, premises, or place in or upon which
13 violations of any of the laws set forth in paragraph (1), (2),
14 or (3) are held or occur, is a nuisance that shall be enjoined,
15 abated, and prevented, regardless of whether it is a public or
16 private nuisance."

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

19 "**§712-1270.3 Citizen's rights.** Any citizen who brings a
20 nuisance abatement suit against a place used for the purpose of
21 committing:



1 (1) Fireworks related offenses contained in section 132D-
2 14(a)(1) [~~or (3)~~]; or

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

7 shall be entitled to the same rights and protections of victims
8 and witnesses in criminal proceedings in accordance with chapter
9 801D."

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

12 "[+]§712-1281 **Forfeiture; fireworks.**[+]" In addition to
13 any other penalty that may be imposed for violation of section
14 132D-14(a)(1) [~~or (3)~~], any property used or intended for use in
15 the commission of, attempt to commit, or conspiracy to commit an
16 offense under section 132D-14(a)(1) [~~or (3)~~], or that
17 facilitated or assisted such activity, and any proceeds or other
18 property acquired or maintained with the proceeds from violation
19 of section 132D-14(a)(1) [~~or (3)~~] may be subject to forfeiture
20 pursuant to chapter 712A."



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

9 The sums appropriated shall be expended by the judiciary
10 for the purposes of this Act.

11 SECTION 24. In codifying the new sections added by section
12 3 of this Act, the revisor of statutes shall substitute
13 appropriate section numbers for the letters used in designating
14 the new sections in this Act.

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

18 SECTION 26. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 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)

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