
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 improved enforcement
2 of the fireworks control laws is necessary, not only to protect
3 property from avoidable fire damage, but also to protect the
4 community from fire- and explosion-related injuries, respiratory
5 distress caused by the air pollution, and recurring trauma to
6 afflicted persons due to loud explosions.

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



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

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

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

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

14 § -2 Applicability. (a) All fireworks infractions,
15 including fireworks infractions committed by minors, shall be
16 adjudicated pursuant to this chapter, except as provided in
17 subsection (b). This chapter shall be applied uniformly
18 throughout the State and in all counties. No penal sanction
19 that includes imprisonment shall apply to a violation of state
20 statute or rule, or county ordinance or rule, that would



1 constitute a fireworks infraction under this chapter. No
2 fireworks infraction shall be classified as a criminal offense.

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

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

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



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

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

14 (2) If the trial on the fireworks infraction is held
15 separately from and before trial on any related
16 criminal offense, the following shall be inadmissible
17 in the prosecution or trial of the related criminal
18 offense, except as expressly provided by the Hawaii
19 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 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 prior to 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 amount shall include any
11 fee, surcharge, or cost required by statute,
12 ordinance, or rule, and any monetary assessment
13 established pursuant to section -8, to be paid by
14 the defendant to whom the notice was issued, which
15 shall be uniform 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 of infraction was issued may be
3 affixed; and

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

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

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

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

19 (1) Admit the commission of the fireworks infraction in
20 one of the following ways:



- 1 (A) By mail or in person, by completing the
2 appropriate portion of the notice of infraction
3 or preaddressed envelope and submitting it to the
4 authority specified on the notice together with
5 payment of the total amount stated on the notice
6 of infraction. Payment by mail shall be in the
7 form of a check, money order, or by an approved
8 credit or debit card. Payment in person shall be
9 in the form of United States currency, check,
10 money order, or by an approved credit or debit
11 card; or
- 12 (B) Via the Internet or by telephone, by submitting
13 payment of the total amount stated on the notice
14 of infraction. Payment via the Internet or by
15 telephone shall be by an approved credit or debit
16 card;
- 17 (2) Deny the commission of the fireworks infraction and
18 request a hearing to contest the fireworks infraction
19 by completing the appropriate portion of the notice of
20 infraction or preaddressed envelope and submitting it,
21 either by mail or in person, to the authority.



1 specified on the notice. In lieu of appearing in
2 person at a hearing, the defendant may submit a
3 written statement of grounds on which the defendant
4 contests the notice of infraction, which shall be
5 considered by the court as a statement given in court
6 pursuant to section -6(b)(2); or

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

18 (c) When answering the notice of infraction, the defendant
19 shall affix the defendant's signature to the answer and shall
20 state the address at which the defendant will accept future



1 mailings from the court. No other response shall constitute an
2 answer for purposes of this chapter.

3 § -6 Court action after answer or failure to answer.

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

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

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



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



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

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

14 (1) In the case of a fireworks infraction where the
15 defendant requests a hearing at which the defendant
16 will appear in person to explain mitigating
17 circumstances, the court shall notify the defendant in
18 writing of the date, time, and place of the hearing to
19 explain mitigating circumstances. The notice of
20 hearing shall be mailed to the address stated in the
21 answer, or if none was given, to the address stated on



1 the notice of infraction. If no address was provided,
2 an electronic copy of the notice of hearing may be
3 sent to the electronic mail address stated on the
4 notice of infraction. The notification shall also
5 advise the defendant that, if the defendant fails to
6 appear at the hearing, the court shall enter judgment
7 by default in favor of the State, as of the date of
8 the scheduled hearing, and that the total amount
9 stated in the default judgment shall be paid within
10 thirty days of entry of default judgment; and

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



1 the total amount shall be paid within thirty days of
2 entry of judgment.

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

6 (e) Whenever judgment by default in favor of the State is
7 entered, the court shall mail a notice of entry of default
8 judgment to the address provided by the defendant when the
9 notice of infraction was issued, or if none was provided, to the
10 electronic mail address stated on the notice of infraction. The
11 notice of entry of default judgment shall advise the defendant
12 that the total amount specified in the default judgment shall be
13 paid within thirty days of entry of default judgment and shall
14 explain the procedure for setting aside a default judgment.
15 Judgment by default for the State entered pursuant to this
16 chapter may be set aside pending final disposition of the
17 fireworks infraction upon written application of the defendant
18 and posting of an appearance bond equal to the amount of the
19 total amount specified in the default judgment and any other
20 assessment imposed pursuant to section -8. The application
21 shall show good cause or excusable neglect for the defendant's



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

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

- 18 (1) In lieu of the personal appearance by the law
- 19 enforcement officer who issued the notice of
- 20 infraction, the court shall consider the notice of
- 21 infraction and any other relevant evidence, together



1 with any oral or written statement by the defendant to
2 whom the notice of infraction was issued;

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

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

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



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

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

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

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

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



1 count therein with prejudice, where the explanation
2 establishes that the infraction was not 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 administrative
3 costs 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 costs collected into the
6 judiciary computer system special fund pursuant to section
7 601-3.7.

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

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



- 1 (5) To issue penal summonses and bench warrants and
2 initiate failure to appear proceedings; and
3 (6) To exercise other powers the court finds necessary and
4 appropriate to carry out the purposes of this chapter.

5 § -11 Trial and concurrent trial. (a) There shall be
6 no right to trial unless the defendant contests the notice of
7 infraction pursuant to section : -7. If, after proceedings to
8 contest the notice of infraction, a determination is made that
9 the defendant committed the fireworks infraction, judgment shall
10 enter in favor of the State. The defendant may request a trial
11 pursuant to the Hawaii rules of evidence and the rules of the
12 district court; provided that any request for trial shall be
13 made within thirty days of entry of judgment. If, after
14 appearing in person at a hearing to contest the notice of
15 infraction, the defendant requests a trial at the conclusion of
16 the hearing, the court shall provide the defendant with the
17 trial date as soon as practicable.

18 (b) At the time of trial the State shall be represented by
19 a prosecuting attorney of the county in which the fireworks
20 infraction occurred. The prosecuting attorney shall orally
21 recite the charged fireworks infraction in court before



1 commencement of the trial. Proof of the defendant's commission
2 of the fireworks infraction shall be by a preponderance of the
3 evidence.

4 (c) If trial on the fireworks infraction is held before
5 trial on any related criminal offense, the following shall be
6 inadmissible in the subsequent prosecution or trial of the
7 related criminal offense:

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

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

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

16 (d) In any concurrent trial, the State shall be
17 represented by a prosecuting attorney of the county in which the
18 infraction and related crime occurred. Proof of the defendant's
19 commission of the infraction shall be by a preponderance of the
20 evidence, and proof of the related criminal offense shall be by
21 proof beyond a reasonable doubt. The concurrent trial shall be



1 conducted pursuant to the rules of the appropriate court, Hawaii
2 rules of evidence, and Hawaii rules of penal procedure.

3 § -12 Rules. (a) The supreme court may adopt rules of
4 procedure for the conduct of all proceedings pursuant to this
5 chapter.

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

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

16 (d) The prosecuting attorney shall not participate in
17 fireworks infraction proceedings conducted pursuant to this
18 chapter, except proceedings pursuant to section -11 and
19 proceedings in which a related criminal offense is scheduled for
20 arraignment, hearing, or concurrent trial.



1 (e) Chapter 91 shall not apply in proceedings before the
2 court.

3 (f) Except as otherwise provided in section -2, chapter
4 571 and the Hawaii family court rules shall not apply in any
5 proceedings conducted pursuant to this chapter."

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

9 "§132D-A General fireworks or articles pyrotechnic
10 prohibitions in the second degree. (a) A person commits the
11 offense of general fireworks or articles pyrotechnic
12 prohibitions in the second degree if the person without a permit
13 issued pursuant to sections 132D-10 and 132D-16 intentionally,
14 knowingly, or recklessly:

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

18 (A) Within one thousand feet of any operating
19 hospital, licensed convalescent home, licensed
20 home for the elderly, zoo, licensed animal
21 shelter, or licensed animal hospital;



1 (B) In any school building, or on any school grounds
2 or yards without first obtaining authorization
3 from appropriate school officials;

4 (C) On any highway, alley, street, sidewalk, or other
5 public way; in any park; on any public beach; in
6 any officially designated forest or wildlife
7 preserve; within fifty feet of a canefield; or
8 within one thousand feet of any building used for
9 public worship during the periods when services
10 are held; or

11 (D) Within five hundred feet of any dwelling; or

12 (2) Throws, catapults, or otherwise manually propels
13 ignited consumer fireworks, aerial devices, display
14 fireworks, or articles pyrotechnic.

15 (b) The state of mind requirement for the offense under
16 subsections (a) (1) (A), (C), and (D) shall not be applicable to
17 whether the person was aware that the person was within the
18 designated distance from an operating hospital, licensed
19 convalescent home, licensed home for the elderly, zoo, licensed
20 animal shelter, or licensed animal hospital, canefield, building
21 used for public worship; or hotel. A person shall be strictly



1 liable with respect to the attendant circumstance that the
2 person was within the designated distance from a prohibited
3 place, at the time of incident.

4 (c) Except as provided in subsections (d), (e), and (f),
5 the offense of general fireworks or articles pyrotechnic
6 prohibitions in the second degree shall be a misdemeanor.

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

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

18 (f) The offense of general fireworks or articles
19 pyrotechnic prohibitions in the second degree shall be a class A
20 felony if any of the aerial devices, display fireworks, or
21 articles pyrotechnic set off, ignited, discharged, or otherwise



1 caused to explode in the commission of the offense cause serious
2 bodily injury or death to another person.

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

10 §132D-B Sending or receiving fireworks or articles
11 pyrotechnic by air delivery; prohibited. (a) A person commits
12 the offense of sending or receiving fireworks or articles
13 pyrotechnic by air delivery if the person intentionally,
14 knowingly, or recklessly sends or receives any amount of
15 consumer fireworks, aerial devices, display fireworks, or
16 articles pyrotechnic via any form of air delivery, including but
17 not limited to any private courier, commercial carrier, mail or
18 postal services; provided that a person shall not be prosecuted
19 under this section if the person sends or receives the consumer
20 fireworks, aerial devices, display fireworks, or articles



1 pyrotechnic via any form of air delivery in compliance with
2 federal law.

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 consumer fireworks, aerial
13 devices, display fireworks, and articles pyrotechnic
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 consumer fireworks, aerial devices,
19 display fireworks, and articles pyrotechnic 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 consumer fireworks, aerial devices,
7 display fireworks, or articles pyrotechnic to another person who
8 does not have a valid permit required pursuant to sections
9 132D-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 consumer fireworks, aerial devices, display
19 fireworks, or articles pyrotechnic distributed in the
20 commission of the offense cause substantial bodily
21 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 consumer fireworks, aerial devices, display
4 fireworks, or articles pyrotechnic distributed in the commission
5 of 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 consumer fireworks, aerial devices, display fireworks, or
10 articles pyrotechnic caused or would cause the injury or death.
11 A person shall be strictly liable with respect to the result
12 that the consumer fireworks, aerial devices, display fireworks,
13 or articles pyrotechnic 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 consumer fireworks, aerial devices, display
17 fireworks, or articles pyrotechnic 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 subsection (a) shall be
4 subject to a \$200 fine; any person who violates subsection (b)
5 shall be subject to a \$1,000 fine; and any person who violates
6 this section shall be subject to proceedings under
7 chapter ; provided that nothing in this section shall be
8 construed to prohibit prosecution under section 132D-7,
9 132D-8.6, or any other provision under this chapter.

10 **§132D-F Refusal to provide identification.** (a) Except as
11 provided in subsection (b), any person detained for violating
12 this chapter shall provide the person's name and current mailing
13 address; or any proof thereof, upon the lawful order or
14 direction of any law enforcement officer in the course and scope
15 of the officer's duties to enforce this chapter.

16 (b) If the officer has reasonable grounds to believe that
17 the person is being deceptive or misleading in providing the
18 person's name or address, the person shall provide proof
19 thereof, upon the lawful order or direction of the law
20 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 consumer fireworks, aerial devices, display
5 fireworks, or articles pyrotechnic:

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 but need not be limited to the container identification number,
18 manifest, bill of lading, consignee, freight forwarder, sailing
19 vessel name, route number, date of departure, and estimated date
20 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
14 be construed to prohibit criminal prosecution under section
15 132D-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, 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
15 causes:

- 16 (1) A major avulsion, laceration, or penetration of the
17 skin;
18 (2) A burn of at least second degree severity;
19 (3) A bone fracture;
20 (4) A serious concussion; or



1 (5) A 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], which
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 upon ignition, discharge, or otherwise being
9 set off produces visible or audible effects [~~by combustion~~], and
10 that [~~is designed to remain~~] remains on or near the ground and,
11 while stationary or spinning rapidly on or near the ground,
12 emits smoke, a shower of colored sparks, whistling effects,
13 flitter sparks, or balls of colored sparks, and includes
14 combination items that [~~contain~~] produce one or more of these
15 effects. [~~"Consumer fireworks" shall comply~~] Alternatively,
16 "consumer fireworks" may include but are not limited to any
17 fireworks that comply 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" include firework items
3 commonly known as firecrackers that are single paper cylinders
4 not exceeding one and one-half inches in length excluding the
5 fuse and one-quarter of an inch in diameter [~~and contain a~~
6 ~~charge of not more than fifty milligrams of pyrotechnic~~
7 ~~composition~~], snakes, sparklers, fountains, and cylindrical or
8 cone fountains that emit effects up to a height not greater than
9 twelve feet above the ground, illuminating torches, bamboo
10 cannons, whistles, toy smoke devices, wheels, and ground
11 spinners that when ignited remain within a circle with a radius
12 of twelve feet as measured from the point where the item was
13 placed and ignited, novelty or trick items, combination items,
14 and other fireworks of like construction that are designed to
15 produce the same or similar effects."

16 4. By amending the definition of "display fireworks" to
17 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 exceed the limits of explosive materials
6 for classification as "consumer fireworks". This term also
7 includes fused [~~setpieces~~] set pieces containing components,
8 which together exceed fifty milligrams of salute [~~power-~~
9 powder]. The use of display fireworks shall be prohibited for
10 use by any person who does not have a display permit issued by a
11 county."

12 5. By amending the definition of "fireworks" to read:

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



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

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



1 7. By amending the definition of "pyrotechnic composition"
2 or "pyrotechnic contents" to read:

3 "Pyrotechnic composition" or "pyrotechnic contents" means
4 the combustible or explosive component of consumer fireworks[-],
5 aerial devices, display fireworks, and articles pyrotechnic."

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

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

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

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

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

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



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



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

5 ~~(G) Within five hundred feet of any hotel.~~

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

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

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

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

19 (c) If, in the commission of the offense of general
20 fireworks or articles pyrotechnic prohibitions in the first
21 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, 132D-A, and 132D-D do not apply to:

12 (1) The use of flares, noisemakers, or signals for
13 warning[~~7~~] or pest control, or for illumination
14 purposes by police and fire departments, utility
15 companies, transportation agencies, and other
16 governmental or private agencies or persons, including
17 agricultural operations, in connection with
18 emergencies, their 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 consumer fireworks, aerial
- 2 devices, display fireworks, or articles pyrotechnic:
- 3 (A) In a movie, television production, or theatrical
- 4 production for which valid permits have been
- 5 issued by a county pursuant to section 132D-10;
- 6 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 unless the person
2 has a valid license issued [~~by the county,~~] pursuant
3 to this chapter; or

4 (2) Possess any aerial devices, display fireworks, or
5 articles pyrotechnic without a valid license to
6 import, store, or [~~sell~~] distribute aerial devices,
7 display fireworks, or articles pyrotechnic, or a valid
8 display permit [~~as provided for in~~] issued pursuant to
9 this chapter."

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

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

15 (1) Clearly designate the types of fireworks or articles
16 pyrotechnic in each shipment on the bill of lading or
17 shipping manifest with specificity;

18 (2) Declare on the bill of lading or shipping manifest the
19 gross weight of consumer fireworks, display fireworks,
20 articles pyrotechnic, and aerial devices to be
21 imported in each shipment and the location of the



1 storage facility, if applicable, in which the
2 fireworks or articles pyrotechnic are to be stored;

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

9 (A) Pier to pier;

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

11 (C) Pier to redistribution;

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

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

20 (B) An inventory breakdown for each proposed display;
21 and



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

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

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

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

14 "**§132D-10 Permits:** (a) A permit shall be required for
15 the purchase and use of:

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

18 (2) Any aerial devices, display fireworks, or articles
19 pyrotechnic for the purposes of section 132D-16 upon
20 payment of a fee of \$110; and



1 (3) Any consumer fireworks [~~for the purposes of section~~
2 ~~132D-5 or~~] for cultural uses that occur at any time
3 other than during the periods prescribed in section
4 132D-3(1) upon a payment of a fee of \$25.

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

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

9 "§132D-12 [~~Sale~~] Distribution to minors; [~~sale by minors,~~
10 prohibited. (a) It shall be unlawful for any person to [~~offer~~
11 ~~for sale, sell, or give~~] distribute any consumer fireworks,
12 aerial devices, display fireworks, or articles pyrotechnic to
13 minors, [~~and for any minor to possess, purchase, sell, or set~~
14 ~~off, ignite, or otherwise cause to explode any fireworks or~~
15 ~~articles pyrotechnic,~~] except as provided in section 132D-13.

16 (b) A person who violates this section shall be guilty of
17 a class C felony."

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

20 "§132D-13 Liability of parents or guardians. [The
21 parents,] (a) Except as provided in subsection (b), it shall be



1 unlawful for a parent, guardian, [and] or other [persons] person
2 having the custody or control of any minor[,-whe] to knowingly
3 permit the minor to [possess,-:] :

4 (1) Possess or purchase[,-er-set] any consumer fireworks,
5 aerial devices, display fireworks, or articles
6 pyrotechnic; or

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

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

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



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

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

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

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



1 "§132D-14 Penalty. (a) ~~[Any]~~ Except as provided in
2 subsections (b) and (c), any person:

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

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

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

14 (2) Purchasing, possessing, setting off, igniting, ~~[ex]~~
15 discharging, or otherwise causing to explode aerial
16 devices, display fireworks, or articles pyrotechnic
17 without a valid permit ~~[under]~~ required pursuant to
18 sections 132D-10 and 132D-16, ~~[or storing, selling, or~~
19 ~~possessing aerial devices, display fireworks, or~~
20 ~~articles pyrotechnic without a valid license under~~
21 ~~section 132D-7, or allowing an individual to possess,~~



1 ~~set off, ignite, discharge, or otherwise cause to~~
2 ~~explode any aerial device in violation of section~~
3 ~~132D-14.5]:~~

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

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

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

16 (D) If the total weight of the aerial devices,
17 display fireworks, or articles pyrotechnic is
18 less than five pounds, and if the total weight
19 cannot be determined, shall be fined \$300 and
20 subject to proceedings under chapter



1 ~~[(3) Who transfers or sells aerial devices, display~~
2 ~~fireworks, or articles pyrotechnic to a person who~~
3 ~~does not have a valid permit under sections 132D-10~~
4 ~~and 132D-16, shall be guilty of a class C felony; and~~
5 ~~(4) Who removes or extracts the pyrotechnic contents from~~
6 ~~any fireworks or articles pyrotechnic and uses the~~
7 ~~contents to construct fireworks, articles pyrotechnic,~~
8 ~~or a fireworks or articles pyrotechnic related device~~
9 ~~shall be guilty of a misdemeanor.]~~

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

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

17 (2) Any of the consumer fireworks, aerial devices, display
18 fireworks, or articles pyrotechnic imported, stored,
19 distributed, purchased, possessed, set off, ignited,
20 discharged, or otherwise caused to explode in the

1 commission of the offense under subsection (a) cause
2 substantial bodily injury to another person.

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

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



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

6 ~~[(b)]~~ (e) Except as provided in ~~[subsection]~~ subsections
7 (a), (b), or (c), or as otherwise specifically provided for in
8 this chapter, any person violating any other provision of this
9 chapter, shall be guilty of a violation and fined ~~[nø]~~ not less
10 than \$500 and not more than \$5,000 for each violation.

11 ~~[Notwithstanding any provision to the contrary in this section,~~
12 ~~any person violating section 132D 14.5 shall be fined at least~~
13 ~~\$500 and no more than \$5,000.]~~

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

20 ~~[(d)]~~ (g) Notwithstanding any penalty set forth herein,
21 violations of subsection (a) (1) ~~[or (3)]~~ may be subject to



1 nuisance abatement proceedings provided in part V of chapter
2 712.

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

4 ~~(1) Each type of prohibited firework imported, purchased,~~
5 ~~sold, possessed, set off, ignited, or discharged shall~~
6 ~~constitute a separate violation for each unopened~~
7 ~~package; and~~

8 ~~(2) Each separate firework imported, purchased, sold,~~
9 ~~possessed, set off, ignited, or discharged shall be a~~
10 ~~separate violation if the package is opened or the~~
11 ~~firework is not in a package.~~

12 ~~(f) For the purposes of this section, "package":~~

13 ~~(1) Means any aerial device, display firework, or article~~
14 ~~pyrotechnic:~~

15 ~~(A) Enclosed in a container or wrapped in any manner~~
16 ~~in advance of wholesale or retail sale; and~~

17 ~~(B) With a weight or measure determined in advance of~~
18 ~~wholesale or retail sale; and~~

19 ~~(2) Does not mean:~~

20 ~~(A) Inner wrappings not intended to be individually~~
21 ~~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 " ~~[f]~~ §132D-14.5 ~~[t]~~ 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 [~~devicee~~] devices, display
6 fireworks, or articles pyrotechnic 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, display fireworks, articles
12 pyrotechnic, or pyrotechnic composition to be stored
13 in the real property without a license issued pursuant
14 to this chapter shall be guilty of a misdemeanor; and

15 (3) Notwithstanding paragraph (2), allows aerial devices,
16 display fireworks, articles pyrotechnic, or
17 pyrotechnic composition to be stored in the real
18 property, if the total weight of the aerial devices,
19 display fireworks, articles pyrotechnic, and
20 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, display fireworks, articles
11 pyrotechnic or pyrotechnic composition possessed, set
12 off, ignited, discharged, otherwise caused to explode,
13 or stored in the violation of subsection (a) cause
14 substantial bodily injury to another person.

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



1 explode, or stored in the violation of subsection (a) cause
2 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, display fireworks, articles
6 pyrotechnic 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, display
9 fireworks, or articles pyrotechnic caused the injury or death."

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

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

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

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



1 least as stringent in the control or prohibition of consumer
2 fireworks, aerial devices, display fireworks, and articles
3 pyrotechnic as the law under this chapter.

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

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

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

19 As used in this section, "health care facilities" includes
20 any outpatient clinic, emergency room, or physician's office,
21 private or public, whether organized for profit or not, used,



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

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

16 "[+] §132D-22 [+] Entry onto premises; inspection of
17 premises, books, and records; obstructing [~~law enforcement or~~
18 ~~fire department~~] inspector operations; penalty. (a) Any [~~law~~
19 ~~enforcement or fire officer~~] inspector may, at reasonable hours,
20 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 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[~~7~~]:

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

10 [~~"premises~~] "Premises of a licensee or permittee" does not
11 include the licensee's or permittee's private residence or a
12 dwelling that is considered to be the person's [~~home~~] dwelling,
13 including a [~~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
5 132D-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) [~~er-(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. This Act does not affect rights and duties
14 that matured, penalties that were incurred, and proceedings that
15 were begun before its effective date.

16 SECTION 25. In codifying the new sections added by section
17 3 and referenced in sections 6 and 14 of this Act, the revisor
18 of statutes shall substitute appropriate section numbers for the
19 letters used in designating the new sections in this Act.

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 upon its approval.



Report Title:

Fireworks; Criminal Offenses; Penalties; Infractions;
Appropriations

Description:

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 criminal offenses of general fireworks or articles pyrotechnic prohibitions in the first and second degree; sending or receiving fireworks or articles pyrotechnic by air delivery; distributing fireworks or articles pyrotechnic to non-permit holders; removal or extraction of pyrotechnic contents; consumer fireworks prohibitions; refusal to provide identification; and violating requirements of carrier. Establishes an adjudication system and procedures to process fireworks infractions. Appropriates funds. (SD2)

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