
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 illegal use,
2 possession, and distribution of fireworks continues to endanger
3 public safety, property, and the environment in the State.
4 Despite existing laws and enforcement efforts, unauthorized
5 fireworks persist, causing disturbances and posing significant
6 risks to residents.

7 Accordingly, the purpose of this Act is to:

- 8 (1) Restrict the sale and use of consumer fireworks;
9 (2) Repeal all permissible uses of consumer fireworks by
10 minors;
11 (3) Establish civil penalties for violations of certain
12 fireworks laws; and
13 (4) Appropriate funds to provide for community safety
14 education programs.

15 SECTION 2. Section 132D-5, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:



1 "(b) ~~[It]~~ Except as provided for in sections 132D-3,
2 132D-6, and 132D-7, it shall be unlawful to use consumer
3 fireworks or purchase or sell consumer fireworks more than five
4 calendar days before the time periods for permissible use under
5 section 132D-3."

6 SECTION 3. Section 132D-8.6, Hawaii Revised Statutes, is
7 amended by amending subsection (e) to read as follows:

8 "(e) No person holding a retailer license to sell consumer
9 fireworks shall be allowed to sell consumer fireworks [~~commonly~~
10 ~~known as firecrackers in a packet size larger than five thousand~~
11 ~~individual units. Any person violating this subsection shall be~~
12 ~~guilty of a misdemeanor.~~], except as provided for in sections
13 132D-6 and 132D-7."

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

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



1 SECTION 5. Section 132D-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§132D-13 Liability of parents or guardians. The parents,
4 guardian, and other persons having the custody or control of any
5 minor, who knowingly permit the minor to possess, purchase, or
6 set off, ignite, or otherwise cause to explode any fireworks or
7 articles pyrotechnic, shall be deemed to be in violation of this
8 chapter and shall be subject to the penalties thereunder[
9 ~~except that the parents or guardian may allow the minor to use~~
10 ~~consumer fireworks while under the immediate supervision and~~
11 ~~control of the parent or guardian, or under the supervision and~~
12 ~~control of another adult]."~~

13 SECTION 6. Section 132D-14, Hawaii Revised Statutes, is
14 amended by amending subsections (a) through (d) to read as
15 follows:

16 "(a) Any person:

17 (1) Importing aerial devices, display fireworks, or
18 articles pyrotechnic without having a valid license
19 under section 132D-7 shall be guilty of a class C
20 felony;



- 1 (2) Purchasing, possessing, setting off, igniting, or
2 discharging aerial devices, display fireworks, or
3 articles pyrotechnic without a valid permit under
4 sections 132D-10 and 132D-16, or storing, selling, or
5 possessing aerial devices, display fireworks, or
6 articles pyrotechnic without a valid license under
7 section 132D-7, or allowing an individual to possess,
8 set off, ignite, discharge, or otherwise cause to
9 explode any aerial device in violation of section
10 132D-14.5:
- 11 (A) If the total weight of the aerial devices,
12 display fireworks, or articles pyrotechnic is
13 twenty-five pounds or more, shall be guilty of a
14 class C felony; or
- 15 (B) If the total weight of the aerial devices,
16 display fireworks, or articles pyrotechnic is
17 less than twenty-five pounds, shall be guilty of
18 a misdemeanor;
- 19 (3) Who transfers or sells aerial devices, display
20 fireworks, or articles pyrotechnic to a person who
21 does not have a valid permit under sections 132D-10



1 and 132D-16, shall be guilty of a class C felony;

2 [~~and~~]

3 (4) Who removes or extracts the pyrotechnic contents from
4 any fireworks or articles pyrotechnic and uses the
5 contents to construct fireworks, articles pyrotechnic,
6 or a fireworks or articles pyrotechnic related device
7 shall be guilty of a misdemeanor[~~-~~];

8 (5) Selling consumer fireworks without having a valid
9 license under section 132D-7 may have the consumer
10 fireworks, storage facility, vehicle, or any other
11 asset used in the commission of the offense seized and
12 subject to forfeiture pursuant to section 712A;
13 provided that asset forfeiture proceedings pursuant to
14 this subsection shall not be initiated until after the
15 delivery of a nuisance abatement notice pursuant to
16 subsection (d); and

17 (6) Setting off, igniting, or discharging consumer
18 fireworks without a valid permit under section
19 132D-10:



- 1 (A) May have the consumer fireworks used in the
2 commission of the offense seized and subject to
3 forfeiture under chapter 712A;
- 4 (B) Shall be fined \$1,000; provided that if the
5 person is a minor, the penalties shall apply to
6 the minor's parents pursuant to section 132D-13;
7 and
- 8 (C) Shall complete two hours of fireworks education
9 to be administered by the department of law
10 enforcement, within a set period of time
11 designated by the court; provided that if the two
12 hours of required fireworks education is not
13 completed within the designated time, the court
14 may impose an additional sentence of two hours of
15 community service; provided further that the
16 court may continue imposing an additional two
17 hours of community service every six months
18 thereafter until the fireworks education
19 requirements are satisfied; provided further that
20 if the person is a minor, the penalties provided



1 in this subparagraph shall apply to the minor's
2 parents pursuant to section 132D-13.

3 (b) Except as provided in subsection (a) or as otherwise
4 specifically provided for in this chapter, any person violating
5 any other provision of this chapter, shall be fined [~~no~~] not
6 more than \$5,000 for each violation. Notwithstanding any
7 provision to the contrary in this section, any person violating
8 section 132D-14.5 shall be fined at least [~~\$500~~] \$1,000 and [~~no~~]
9 not more than \$5,000.

10 (c) The court shall [~~collect~~]:

11 (1) Collect the fines imposed in subsections (a) and (b)
12 for violating this chapter and, of the fines
13 collected, shall pay [~~twenty~~] fifty per cent to the
14 State and [~~eighty~~] fifty per cent to the county in
15 which the fine was imposed, which shall be expended by
16 the county for law enforcement purposes [~~-~~]; and

17 (2) Collect the proceeds from forfeited assets pursuant to
18 subsections (a)(5) and (6) for violating this chapter
19 and, of the proceeds collected, notwithstanding the
20 disposition requirements under section 712A-16, shall
21 pay one hundred per cent to the general fund.



1 (d) Notwithstanding any penalty set forth herein,
2 violations of ~~[subsection]~~ subsections (a) (1) ~~[or]~~, (3), or (5)
3 may be subject to nuisance abatement proceedings provided in
4 part V of chapter 712."

5 SECTION 7. Section 132D-16.6, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "[~~f~~]§132D-16.6[~~+~~] **Display site inspection.** Each county
8 fire chief is authorized to conduct inspections of the persons
9 conducting a display, including the site where the display is
10 occurring or will occur within the fire chief's county to
11 determine compliance with the applicable county code and the
12 current editions of the National Fire Protection Association's
13 "NFPA 1123: Code for Fireworks Display" and "NFPA 1126:
14 Standard for the Use of Pyrotechnics Before a Proximate
15 Audience". An inspection fee of \$200 shall be assessed by the
16 county upon the holder of a permit for a display under section
17 [~~132D-10(2),~~] 132D-10(1), which shall be separate from the
18 display permit fee under that section. The inspection fee shall
19 be paid to the county in which the display will occur, and shall
20 be used to defray the cost of the official conducting the
21 inspection of the display setup."



1 SECTION 8. Section 712-1270, Hawaii Revised Statutes, is
2 amended to read as follows:

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

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



1 SECTION 9. Section 712-1270.3, Hawaii Revised Statutes, is
2 amended to read as follows:

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

6 (1) Fireworks related offenses contained in section
7 132D-14(a)(1) [~~or~~], (3) [~~+~~], or (5); or

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

12 shall be entitled to the same rights and protections of victims
13 and witnesses in criminal proceedings in accordance with chapter
14 801D."

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

17 "[+] §712-1281 Forfeiture; fireworks. [+] In addition to
18 any other penalty that may be imposed for violation of section
19 132D-14(a)(1) [~~or~~] (3), (5), or (6), any property used or
20 intended for use in the commission of, attempt to commit, or
21 conspiracy to commit an offense under section 132D-14(a)(1) [~~or~~]



1 (3), (5), or (6), or that facilitated or assisted [~~such~~] the
2 activity, and any proceeds or other property acquired or
3 maintained with the proceeds from violation of section
4 132D-14(a)(1) [~~or~~] (3), (5), or (6), may be subject to
5 forfeiture pursuant to chapter 712A."

6 SECTION 11. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$ or so
8 much thereof as may be necessary for fiscal year 2025-2026 and
9 the same sum or so much thereof as may be necessary for fiscal
10 year 2026-2027 to provide for community safety education
11 programs.

12 The sums appropriated shall be expended by the department
13 of law enforcement for the purposes of this Act.

14 SECTION 12. This Act does not affect rights and duties
15 that matured, penalties that were incurred, and proceedings that
16 were begun before its effective date.

17 SECTION 13. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 14. This Act shall take effect on July 1, 2077.



Report Title:

DLE; Fireworks Control Law; Consumer Fireworks; Asset Forfeiture; Nuisance Abatement; Penalty; Community Education Safety Programs; Appropriations

Description:

Repeals all permissible uses of consumer fireworks by minors. Establishes civil penalties for the use and sale of consumer fireworks, including nuisance abatement proceedings and forfeiture of assets used in the commission of the illegal use or sale of consumer fireworks. Appropriates funds to the Department of Law Enforcement to provide for community safety education programs. Effective 7/1/2077. (SD1)

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