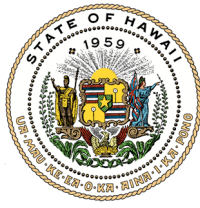


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



MIKE LAMBERT
DIRECTOR

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT

Ka 'Oihana Ho'okō Kānāwai

715 South King Street
Honolulu, Hawaii 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

TESTIMONY ON SENATE BILL 1324, SENATE DRAFT 2

RELATING TO FIREWORKS

Before the House Committee on

JUDICIARY & HAWAIIAN AFFAIRS

Thursday, March 13, 2025, 2:00 p.m.

State Capitol Conference Room 325 & Videoconference

Testifiers: Mike Lambert

Chair Tarnas, Vice Chair Poepoe, and members of the Committee:

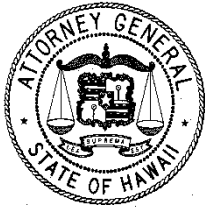
The Department of Law Enforcement (DLE) strongly supports Senate Bill 1324, Senate Draft 2. This comprehensive bill makes significant improvements to Hawaii's fireworks control laws by establishing multiple categories of fireworks offenses with graduated penalties, including heightened penalties for offenses that result in substantial bodily injury, serious bodily injury, or death. The bill addresses critical gaps in the existing regulatory framework by creating specific offenses related to fireworks violations, including the unauthorized distribution, transportation, extraction of pyrotechnic contents, and refusal to provide identification.

The DLE has been actively engaged in addressing illegal fireworks through the Illegal Fireworks Task Force, which was established by Act 67, Session Laws of Hawai'i, 2023. In a relatively short operational period, the Task Force has already confiscated nearly 200,000 pounds of illegal fireworks from Hawaii's communities. This bill directly addresses enforcement challenges identified by the Task Force by providing a clear and comprehensive adjudication system for fireworks infractions.

The establishment of an infractions system will significantly enhance the ability of law enforcement to effectively address fireworks violations through a streamlined process, while the graduated penalties ensure appropriate consequences based on the severity of the offense. The inclusion of heightened penalties for offenses resulting in bodily injury or death appropriately reflects the serious public safety risks posed by illegal fireworks use.

This bill also appropriately recognizes the need for a multi-faceted approach to fireworks regulation by addressing not only possession and use but also distribution channels and carrier requirements. These provisions will help reduce the flow of illegal fireworks into Hawaii and improve overall compliance with fireworks laws.

Thank you for the opportunity to testify in support of this bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 1324, S.D. 2, RELATING TO FIREWORKS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Thursday, March 13, 2025 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Tricia M. Nakamatsu, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) strongly supports this bill.

The purpose of this bill is to facilitate more effective enforcement of Hawaii's fireworks control laws, by: (1) amending definitions for fireworks offenses to reflect more common-sense standards; (2) strengthening and clarifying existing criminal fireworks offenses; (3) establishing new fireworks offenses; (4) establishing heightened penalties for repeat offenders and fireworks offenses that result in substantial or serious bodily injury or death; and (5) establishing non-criminal fireworks infractions for the lowest-level offenses.

Criminal statutes serve as a deterrent to illegal activity when they are effectively enforced and prosecuted. For many years, however, Hawaii's state laws regarding illicit fireworks have made it difficult for state and county agencies to enforce or prosecute these types of cases. When asked, prosecutors have repeatedly cited challenges posed by "gathering evidence and meeting the high burden of proof necessary for convictions",¹ as well as "stringent definitions [in statute, that] . . . routinely create roadblocks to effective prosecution."² Thus, only a small number of criminal fireworks

¹ See Legislative Reference Bureau of Hawaii, *Blast From the Past: An Update to the Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011* at 13, 14 (December 2019) <https://lrb.hawaii.gov/wp-content/uploads/2019/BlastFromThePast.pdf> (last visited January 20, 2025).

² *Id.*, at 14.

cases have been initiated by law enforcement, and an even smaller number have been prosecuted, resulting in a largely “ineffective deterrent” to the distribution and use of illicit fireworks.

This bill addresses concerns raised by prosecutors and provides clarity and efficiency for law enforcement, prosecutors, and courts that handle these cases.

DEFINITIONS

This bill’s proposed amendments to definitions for “aerial device,” “consumer fireworks,” and “fireworks,” under section 132D-2, Hawaii Revised Statutes (HRS) (page 41, line 3, to page 43, line 15, and page 44, line 12, to page 45, line 9), present a straightforward, common-sense standard that could arguably be established through laypeople’s observations and testimony, in many cases, without requiring the presentation of any physical evidence or expert witnesses.

Currently, proving beyond a reasonable doubt that an item meets the definition of an “aerial device,” “consumer fireworks,” or “fireworks,” under section 132D-2, HRS, can be difficult, and may require expert testimony regarding the aeronautical design of the item, pyrotechnic design of the item, and comparison to federal definitions. Fireworks cases may also be difficult to prove when the illicit fireworks have already exploded and are unrecoverable. The proposed definition of aerial fireworks takes into account that virtually every adult in Hawaii already “knows” what aerial fireworks are and could positively identify one rising up into the sky, based on their own observations, without the assistance of forensic testing or expert witnesses.

STRENGTHENING AND CLARIFYING EXISTING CRIMINAL OFFENSES

This bill amends existing criminal fireworks offenses to include wording and standards that are more amenable to prosecution, and penalties that are more proportionate to the prohibited acts.

Currently, section 132D-5, HRS, groups a number of very dangerous acts, such as throwing ignited fireworks from or into a vehicle, together with much less serious acts, such as setting off consumer fireworks with a permit but outside of the permitted times, and classifies all of these offenses as a violation, with no possible jail time and only a potential fine of up to \$5,000. This bill separates out the various acts based on the level of dangerousness and place them under standalone offenses (i.e., “Consumer

fireworks prohibitions" on page 35, line 19, to page 37, line 9; "Removal or extraction of pyrotechnic contents; prohibited" on page 35, lines 14-18; "General fireworks or articles pyrotechnic prohibitions in the second degree" on page 29, line 9, to page 32, line 9; and "General fireworks or articles pyrotechnic prohibitions in the first degree" on page 46, line 13, to page 49, line 7). Penalties for these standalone offenses range from an infraction carrying only a \$200 fine, to class C felonies facing up to a \$5,000 fine and/or up to five years imprisonment.

To support effective prosecution, two of the standalone offenses proposed provide strict liability for certain elements of the offense. These include strict liability for: (1) an offender's distance from sensitive areas, such as a hospital, when setting off an aerial device, display fireworks, or articles pyrotechnic, in violation of "General fireworks or articles pyrotechnic prohibitions in the second degree" (page 32, lines 3-9); and (2) an offender's knowledge of the date or time, when buying consumer fireworks outside of the permitted dates or times, in violation of "Consumer fireworks prohibitions" (page 36, line 15, to page 37, line 2). Requiring prosecutors to prove that an offender was aware of such a distance, or aware of the date and time, when committing these types of offenses, seems unreasonable and may provide an easy way for offenders to avoid prosecution. The Department believes it is reasonable to hold people to a certain level of responsibility if they choose to participate in these types of activities.

ESTABLISHING NEW OFFENSES

Given heightened concerns over illicit fireworks or articles pyrotechnic being transported in airplanes, this bill establishes such activity as a new standalone offense, as a class C felony ("Sending or receiving fireworks or articles pyrotechnic by air delivery; prohibited," on page 32, line 10, to page 33, line 20).

Also, given the creation of fireworks infractions, discussed further below, a new standalone offense for "Refusal to provide identification" is established on page 37, line 10, to page 38, line 2, based on similar wording found in section 291C-172, HRS. It provides law enforcement and courts with some level of assurance that offenders who are issued fireworks infractions provide their actual name and mailing address for the citation. This information is necessary for courts to process the citations, particularly if

the person fails to respond to the citation (i.e., pay the fine, write to the court, or request a hearing).

As mentioned above, section 132D-5, HRS, "General fireworks or articles pyrotechnic prohibitions in the first degree," currently prohibits "throw[ing], catapult[ing], or otherwise manually propel[ling] any ignited consumer fireworks, aerial devices, display fireworks, or articles pyrotechnic" under certain circumstances, and that prohibition remains under section 132D-5, HRS, in this bill (page 46, line 13, to page 49, line 7). To ensure that throwing, catapulting, or otherwise manually propelling ignited fireworks or articles pyrotechnic is prohibited, this bill adds an additional provision under section 132D-A, HRS, "General fireworks or articles pyrotechnic prohibitions in the second degree" (page 30, lines 12-14). Finally, additional reporting requirements are established for any carrier or person shipping controlled fireworks or articles pyrotechnic into Hawaii, or interisland, on page 38, line 3, to page 39, line 15.

ESTABLISHING HEIGHTENED PENALTIES UNDER CERTAIN CIRCUMSTANCES

In addition to the usual penalty for any given offense, certain offenses (i.e., "General fireworks or articles pyrotechnic prohibitions in the second degree" on page 29, line 9, to page 32, line 9; "Distributing fireworks and articles pyrotechnic to non-permit holder" on page 34, line 1, to page 35, line 13; "General fireworks or articles pyrotechnic prohibitions in the first degree" on page 46, line 13, to page 49, line 7; "Liability of parents or guardians" on page 54, line 20, to page 56, line 19; all offenses covered by section 132D-14, on page 57, line 1, to page 62, line 2; and "Liability of homeowner, renter, or person otherwise responsible for real property" on page 63, line 19, to page 66, line 9) could be subject to enhanced penalties if the offender was previously convicted of a crime under chapter 132D, HRS, within ten years prior to the new offense, or if any of the illicit fireworks or articles pyrotechnic causes substantial bodily injury, serious bodily injury, or death to another person. Whatever the usual level of offense, this enhanced penalty could increase the level of offense by one or two grades. The offense of distributing aerial devices without a permit would normally be a class C felony (i.e., up to five years imprisonment and/or up to a \$5,000 fine), but it becomes a class B felony (i.e., up to ten years imprisonment and/or up to a \$10,000 fine) if the offender had a prior fireworks-related conviction in the past ten years, or if the

illicit fireworks caused substantial bodily injury to anyone; and it becomes a class A felony (i.e., up to twenty years imprisonment and/or up to a \$20,000 fine) if the illicit fireworks caused serious bodily injury or death.

For nearly all of these enhanced penalties, the offender would be held strictly liable with respect to any knowledge that the illicit fireworks would cause such injuries or death. In other words, it would not be a defense to prosecution if offenders claim they had no reason to know the illicit fireworks would cause such injuries or death. For "General fireworks or articles pyrotechnic prohibitions in the first degree" on page 46, line 13, to page 49, line 7, offenders would be held to a negligent state of mind for this type of enhanced sentencing, meaning prosecutors would only have to show that offenders should have been aware that there was a substantial and unjustifiable risk their actions could cause injuries or death.

Aside from the offenses noted above, other offenses (i.e., "Sending or receiving fireworks or articles pyrotechnic by air delivery; prohibited" on page 32, line 10, to page 33, line 20; and "Importing, storing, or distributing controlled fireworks or articles pyrotechnic without a license" on page 57, line 1, to page 62, line 2; and "Liability of homeowner, renter, or person otherwise responsible for real property" on page 63, line 19, to page 66, line 9) could be subject to enhanced penalties if the offender was convicted of a crime under chapter 132D, HRS, within ten years prior to the new offense, or if the illicit fireworks or articles pyrotechnic were over a certain weight.

The level of offense charged for purchasing, possessing, setting off, igniting, or discharging controlled fireworks or articles pyrotechnic without a permit would be based on weight, as shown on page 57, line 14, to page 58, line 20, with fifty pounds or more of illicit fireworks being a class B felony. Enhanced sentencing for repeat offenders, or causing substantial or serious bodily injury or death, would apply on top of any criminal penalties.

ESTABLISHING NON-CRIMINAL FIREWORKS INFRACTIONS

While much of the bill addresses high-level offenses, such as importing or distributing large amounts of illicit fireworks, or incidents that result in serious injury or death, the bill also establishes penalties for fireworks infractions on page 58, lines 16-20, with non-criminal penalties for purchasing, possessing, or setting off small amounts

of illicit aerial devices, display fireworks, or articles pyrotechnic. While it may seem counterintuitive to eliminate jail as a penalty for these types of offenses, the Department believes this would allow law enforcement agencies and courts to hold a much higher number of individuals accountable for their use of illicit fireworks quickly and safely and thus make more efficient use of limited resources at certain critical times of the year.

Similar to the way non-criminal traffic citations are issued now, a law enforcement officer could issue multiple fireworks citations without having to spend additional time interviewing witnesses, collecting evidence, or writing police reports, all of which may be necessary when trying to build a criminal case. Due to the lower standard of proof for fireworks infractions, these citations could be issued based solely on the officer's observations, and then the officer could move on to continue patrolling the community or addressing other calls. When applicable, fireworks infractions could also be based on the observations of other witnesses.

Once a fireworks citation is issued, the recipient may then pay their fine, mail-in an explanation to the court, or request a live hearing before a judge, similar to a traffic infraction. Details regarding the notices of infraction and the adjudications process are established in a new chapter that is very similar to chapter 291D, on page 2, line 21, to page 29, line 5. The bill establishes a \$300 fine for purchasing, possessing, or setting off less than five pounds of illicit aerial devices, display fireworks, or articles pyrotechnic (or if the weight is undeterminable, possibly because it exploded), on page 58, lines 16-20.

Consumer fireworks prohibitions are also designated as infractions, on page 35, line 19, to page 37, line 9, as are violations of the new section 132D-G (Requirements of Carrier) on page 38, line 3, to page 39, line 15.

The Department respectfully requests the passage of this important bill with the recommended amendment. Thank you for the opportunity to testify on this bill.

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ASSISTANT PUBLIC DEFENDER

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HONOLULU OFFICE
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DISTRICT COURT DIVISION
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FAMILY COURT DIVISION
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STATE OF HAWAI'I
OFFICE OF THE PUBLIC DEFENDER

March 12, 2025

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SB1324 SD2: RELATING TO FIREWORKS

Chair Tarnas, Vice Chair Poepoe and Members of the Committee on Judiciary & Hawaiian Affairs

The Office of the Public Defender (OPD) **strongly opposes SB1324 SD2.**

The OPD acknowledges that the recent fireworks-caused incident in Aliamanu has brought to the forefront the issue of the State's enforcement of its fireworks control laws. However, rather than enacting new offenses, increasing penalties and creating new and likely unconstitutional court processes, the Legislature should focus on actions which facilitate the enforcement of existing laws and regulations related to the import, sale and use of fireworks which are more than sufficient to serve as a deterrent and punish persons or businesses that violate the laws.

Currently, Hawai'i Revised Statutes (HRS) Chapter 132D, the "Fireworks Control Law," contains provisions which regulate the permissible use of consumer fireworks, display fireworks, articles of pyrotechnics and aerial devices. The current Fireworks Control Law also contains:

- license and permit provisions
- importation requirements
- prohibitions against the sale of fireworks to minors
- liability for parents and guardians who permit minors to possess, purchase, set off, or ignite fireworks
- liability for homeowners, renters or persons responsible for real property who allow persons to possess, set off or ignite fireworks on their properties
- enforcement provisions
- civil and criminal penalties for violations

Thus, under current law, there are ample provisions for law enforcement authorities and other government agencies to use to regulate and control use of fireworks. It is the lack of enforcement, not the lack or severity of penalties, that has not deterred persons and businesses from ceasing illegal fireworks activities.¹ It is not necessary to increase penalties for offenses and regulations that are not regularly prosecuted and enforced.

The OPD also notes the following concerns with the bill.

Concurrent trial provision

Under the bill petty misdemeanor fireworks violations and civil fireworks infractions that occur “in the same course of conduct” are litigated in a “concurrent trial” in the district or family court on the same date and time. In other words, the bill authorizes a joint trial on a civil traffic violation and a criminal offense.² This provision raises significant constitutional concerns and is likely illegal.

¹ In fact, there is currently legislation pending which will assist law enforcement and regulatory agencies in enforcing fireworks regulations and offenses. SB1226 addresses the importation of illegal fireworks into the State by establishing a shipping container inspection program and appropriating funds for the Department of Law Enforcement (DLE) for the effective detection, safe storage and disposal of illegal fireworks. SB222 appropriates funds for the Illegal Fireworks Task Force for FY205-26 and 2026-27 and extends the sunset date of the act creating the task force to 2030. SB227 creates an Illegal Fireworks Enforcement Division within the DLE and appropriates funding for personnel for that unit. HB806 HD1 appropriates funds for the DLE to conduct sting operations to enforce fireworks ordinances or laws. The OPD did not comment on any of the aforementioned legislation which deals strictly with enforcement. SB302 bans the use of consumer fireworks for non-cultural purposes. The OPD submitted comment in opposition on SB302 but only as to concerns regarding the ambiguity of the definition of “cultural.”

² Pursuant to HRS § 701-107, grades and classes of offenses:

(1) An offense defined by this Code or any other statute of this State for which a sentence of imprisonment is authorized constitutes a crime. Crimes are of three grades: felonies, misdemeanors, and petty misdemeanors.

...
* * * *

(5) An offense defined by this Code or by any other statute of this State constitutes a violation if it is so designated in this Code or in the law defining the offense or if no other sentence than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction or if it is defined by a statute other than this Code which provides that the offense shall not

The only other “concurrent trial” provisions which this writer is aware of are in Chapter 291D. Under Chapter 291D which appears to have been used as the model for the concurrent trial provisions in the bill, a traffic infraction, emergency period infraction and related criminal case committed in the same course of conduct as the traffic infraction or emergency period infraction may be tried in a concurrent trial. There are no Hawai‘i cases which have yet raised the issue of the legality or constitutionality of the concurrent trial provision of Chapter 291D – this does not mean that the provisions are legal or would withstand constitutional scrutiny.

Under the bill, the first issue arises in the civil infraction process. On the civil fireworks infraction section, the bill basically tracks the process followed in civil traffic infractions by the issuance of a notice of infraction followed by the requirement that the defendant submit an answer to the infraction. The defendant has three options in the answer – (1) admit, (2) deny and request a hearing, or (3) admit and request a hearing to explain mitigating circumstances. The problem caused by requiring such an answer is that this becomes a signed statement which can be used against the defendant in the concurrent trial on the criminal charge. While the bill precludes any statement made at a separate fireworks infraction trial to be used against the defendant in a subsequent trial on the related criminal charge, it does not address the issue of the admissibility of the written answer to the citation. Further, although the bill holds that any oral or written statement made by the defendant in a separate civil infraction trial and any testimony given by the defendant in that trial are not to be deemed as a waiver of the defendant’s privilege against self-incrimination in connection with the criminal offense, these statements are still admissible “as expressly provided by the Hawaii rules of evidence.” Under Rule 613 of the Hawai‘i Rules of Evidence (HRE) both prior consistent and inconsistent statements are admissible subject to certain requirements. Thus, a defendant who chose to admit and explain mitigating circumstances on the civil infraction could have that statement used against them in the criminal trial if they chose to testify. This could have a chilling effect on the defendant’s assertion of their right to testify in their own defense and constitute a violation of their constitutional rights under the sixth and fourteenth amendments to the U.S. Constitution and article I, section 14 of the Hawai‘i Constitution.

The second issue in the bill arises in the conduct of a concurrent civil and criminal trial. The different procedural rules that apply to civil and criminal trials will definitely create issues. The Hawai‘i Rules of Penal Procedure (HRPP) do not apply to traffic infractions as they are not “penal” in nature, i.e. carry the possibility of the penalty of

constitute a crime. A violation does not constitute a crime, and conviction of a violation shall not give rise to any civil disability based on conviction of a criminal offense.

incarceration.³ With different procedural rules applying to the civil and criminal trials a concurrent trial becomes a procedural nightmare.

Another concurrent trial issues arises in the area of representation. The OPD represents “indigent” persons who are charged with offenses punishable by jail or prison. The OPD (or a court-appointed attorney) would be assigned to represent a defendant on a criminal fireworks charge that is a petty misdemeanor or above. The OPD does not represent defendants in civil matters (with the exception of civil commitment or involuntary medication proceedings). Therefore an indigent defendant in a concurrent fireworks infraction/fireworks offense trial would represent themselves on the civil infraction while the OPD would represent them only on the criminal fireworks charge.⁴ This would require the OPD to coordinate with the *pro se* civil defendant to present a combined defense.⁵

The rules and caselaw regarding the admissibility of evidence also differ between civil and criminal trials. Evidence and statements may be admissible in the civil proceeding where, generally, the constitutional rights of the defendant are not at issue. By contrast, a defendant in a criminal trial has not only different procedural and statutory protections but the full panoply of constitutional rights which are afforded to criminal defendants. While the bill addresses the admissibility of oral or written statements made by the defendant in the civil infraction trial when held prior to the criminal trial, the bill does not address the admissibility of such statements in a concurrent trial. Realistically, it would be impossible for the judge to limit their consideration of statements or evidence admissible only in the civil proceeding and not be influenced or affected by those statements or evidence in the criminal proceeding.

Constitutional issues are also presented by a concurrent trial. As previously mentioned, criminal defendants have a constitutional right to effective assistance of counsel under the sixth amendment to the U.S. Constitution and article I, section 14 of the Hawai‘i Constitution. If the defendant’s attorney’s representation in the criminal case is

³ For example, in State v. Lau, 78 Hawai‘i 54, 890 P.2d 291 (1995), the Hawai‘i Supreme Court confirmed that Rule 48 of the HRPP did not apply to traffic infractions that are not punishable by imprisonment. See also HRPP Rule 48(b).

⁴ A similar issue would arise if a defendant hired separate attorneys for the criminal charge and civil infraction or if the defendant hired an attorney who represented them on only either the criminal charge or civil infraction.

⁵ If the attorney from the OPD could not coordinate the combined defense with the *pro se* defendant, they would have an ethical duty to withdraw or if they proceeded could be subject to a claim of ineffective assistance of counsel.

adversely or materially affected because of considerations related to the civil infraction, the defendant's constitutional right to effective assistance of counsel will be violated. The defendant's constitutional right to present a complete defense under the sixth amendment to the U.S. Constitution and article I, section 14 of the Hawai'i Constitution⁶ may also be violated by the concurrent trial. If a defendant cannot present a complete defense in the criminal trial due to procedural rules, differing rules of evidence or admissibility or strategic consideration related to the civil infraction, their constitutional right to present a complete defense would be violated. Another constitutional right that is affected by a concurrent trial is the defendant's constitutional rights to testify or not to testify.⁷ If the defendant chooses to testify regarding the civil infraction, it should not be considered a waiver of their right not to testify on the criminal offense. While the bill addresses this issue when the civil infraction trial precedes the criminal offense trial, it does not address this issue in a concurrent trial.⁸

Unnecessary creation of new offenses

Without going line by line through the bill as to each of the new offenses created and amendments made to existing laws, the OPD believes that existing laws are sufficient to address the issue of illegal fireworks. In 2010, the Illegal Fireworks Task Force was created by the Legislature to "develop strategies and make recommendations to the Legislature to address the illegal importation and use of fireworks in the State."⁹ These recommendations

⁶ See e.g. State v. Abion, 148 Hawai'i 445, 458, 478 P.3d 270, 283 (2020) (confirming that under the U.S. and Hawai'i constitutions, a defendant has a constitutional due process right to be accorded a meaningful opportunity to present a complete defense, including the right to present any and all competent evidence in their defense).

⁷ See e.g. State v. Monteil, 134 Hawai'i 361, 341 P.3d 567 (2014) (confirming that under the Hawai'i Constitution the defendant has the right to testify and not to testify).

⁸ The issue of combining two separate proceedings and the implications on the defendant's rights to testify and not to testify are presented even in a single criminal case where there is a hearing on a motion to suppress prior to trial. In State v. Chang, 144 Hawai'i 535, 445 P.3d 116 (2019), the Hawai'i Supreme Court held that the defendant had to be advised that he could testify at the hearing on the motion to suppress without that testimony being used against him at the subsequent trial. Id. at 545, 445 P.3d at 126. The Supreme Court also held that the trial court was also required to accurately advise the defendant of the implications of testifying in the unique context of a consolidated proceeding and its failure to do so constituted reversible error. Id. at 544, 445 P.3d at 125.

⁹ Blast From the Past: An Update to the Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011.

were: (1) increase fireworks fees and fines; (2) decriminalize fireworks offenses in favor of civil fines; (3) increase random inspections; (4) consider alternatives such as education and training; (5) promote cooperation between stakeholders.¹⁰ The problem is not the lack of laws to address the issue of illegal fireworks, it is the lack of enforcement of existing laws. Between 2018 and 2022, 94% of the citations for fireworks related violations on Oahu ended in dismissal or dropped prosecutions.¹¹ In 2023 and 2024, twelve fireworks related charges were dismissed without prejudice.¹² In the recent Aliamanu case, ten people have already been arrested for fireworks offenses (using the Fireworks Control Law), reckless endangering in the first degree and endangering the welfare of a minor in the first degree – clearly charges can be brought under existing laws. In December 2023, two Oahu men were charged with felony offenses under the Fireworks Control Law.¹³ In the first six months of 2024, DLE officers seized approximately 1,000 pounds of illegal fireworks from various sources. The foregoing confirm that charges and convictions can be obtained under current laws. Increased enforcement of these laws will serve as an adequate deterrent effect, no new laws and penalties are needed.

Final Comments

The most problematic section of this bill is the concurrent trial provision. This attempt to streamline the adjudication process will inevitably lead to legal challenges and hinder, not help enforcement of existing laws.

The OPD emphasizes that enforcement is the key. Deterrence will be achieved when people see that current laws are being enforced. Penalties under the current laws run from fines for civil infractions up to Class A felonies. Additional statutory provisions such as the reckless endangering and endangering the welfare of a minor statutes can also be used

¹⁰ The Task Force made additional suggestions: (1) consider the impact of increased cargo inspection on commerce and shipping; (2) impose jail time as a penalty for fireworks offenses; (3) fund seasonal, specialized fireworks enforcement units; and (4) reestablish statewide consumer fireworks standards.

¹¹ Leonard, M., Valera, M., “Hawai‘i’s Illegal Fireworks Laws Aren’t Working. Is that About To Change?,” Jan. 14, 2025, Honolulu Civil Beat (<https://www.civilbeat.org/2025/01/hawai-is-illegal-fireworks-laws-arent-working/>)

¹² Id.

¹³ “Department of Law Enforcement Illegal Fireworks Task Force details recent enforcement actions,” July 5, 2024, Maui News (<https://mauinow.com/2024/07/05/department-of-law-enforcement-illegal-fireworks-task-force-details-recent-enforcement-actions/>)

in charging all aspects of illegal fireworks violations. The most impact that can be made immediately is increased enforcement of current laws and prosecution under current laws. There is no utility in creating new offenses if they are not investigated and enforced. Any recommendations as to new legislation should come from the Illegal Fireworks Task Force as it was created specifically for this purpose.

Thank you for the opportunity to comment on this measure.

C. Kimo Alameda, Ph.D.
Mayor



Benjamin T. Moszkowicz
Police Chief

William V. Brillhante Jr.
Managing Director

Reed K. Mahuna
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

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March 11, 2025

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair, and Members
Committee on Judiciary & Hawaiian Affairs
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Representatives Tarnas and Poepoe:

RE: SENATE BILL 1324, SD2, RELATING TO FIREWORKS
DATE: MARCH 13, 2025
TIME: 2:00 P.M.
PLACE: VIDEOCONFERENCE, CONFERENCE ROOM 325

The Hawai`i Police Department (HPD) respectfully submits testimony **supporting** Senate Bill 1324 SD2, Relating to Fireworks.

Strengthening laws that aim to curb the use of unpermitted, illegal fireworks is critical to protecting public safety.

HPD urges the committee to **support** Senate Bill 1324, SD2, which would establish an adjudication system and procedures to process fireworks infractions and amend definitions and penalties for fireworks offenses, including heightened penalties if another person suffers substantial or serious bodily injury or death as a result of the fireworks offenses.

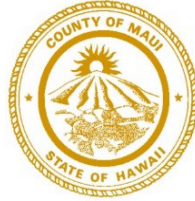
Respectfully,

BENJAMIN T. MOSZKOWICZ
POLICE CHIEF

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

TESTIMONY ON
S.B. 1324 SD2
RELATING TO FIREWORKS

March 12, 2025

The Honorable David A. Tarnas
Chair
The Honorable Mahina Poepoe
Vice Chair
and Members of the Committee on Judiciary & Hawaiian Affairs

Chair Tarnas, Vice Chair Poepoe, and Members of the Committees:

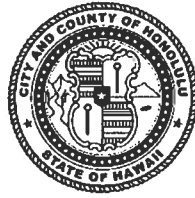
The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of S.B. 1324 SD2, Relating to Fireworks**. This bill amends multiple definitions and penalties for fireworks offenses, as well as creates a fireworks infraction adjudication system and new fireworks offenses.

The Department of the Prosecuting Attorney, County of Maui supports this bill because it would help protect our community from the yearly effects of illegal fireworks, such as fire- and explosion-related property damage and injuries, respiratory distress stemming from fireworks smoke and annual trauma to humans and animals stemming from loud fireworks explosions. We would note that videos depicting staggering amounts of illegal fireworks being set off every New Year's Eve are readily viewable online and illustrate the inadequacy of our current laws. In our view, S.B. 1324 SD2's increased penalties and proposed fireworks infraction adjudication process would go a long way to deterring the sale, purchase and use of illegal fireworks, as well as ensuring that people who willfully disobey the law are held accountable to an appropriate degree for their actions.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports S.B. 1324 SD2**. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries. Thank you very much for the opportunity to provide testimony on this bill.

HONOLULU POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • WEBSITE: www.honoluluupd.org



RICK BLANGIARDI
MAYOR
MEIA

ARTHUR J. LOGAN
CHIEF
KAHU MĀKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE **RP-PA**

March 13, 2025

The Honorable David A. Tarnas, Chair
and Members
Committee on Judiciary and Hawaiian Affairs
House of Representatives
415 South Beretania Street, Room 325
Honolulu, Hawai'i 96813

Dear Chair Tarnas and Members:

SUBJECT: Senate Bill No. 1324, S.D. 2, Relating to Fireworks

I am Major Randall Platt of District 4 (Kailua/Kāne'ohe/Kahuku) of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 1324, S.D. 2, Relating to Fireworks.

The HPD supports this bill which seeks to simplify the definitions of fireworks and streamline enforcement.

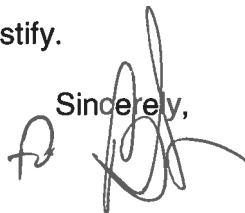
The HPD also believes that improved enforcement of the fireworks control laws is necessary; not only to protect property from avoidable fire damage, but also to protect the community from fire and explosion-related injuries, respiratory distress caused by air pollution, and recurring trauma to afflicted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

The HPD urges you to support Senate Bill No. 1324, S.D. 2, Relating to Fireworks.

Thank you for the opportunity to testify.

APPROVED:


Arthur J. Logan
Chief of Police

Sincerely,


Randall Platt, Major
District 4

**DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU**

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515 • WEBSITE: www.honoluluprosecutor.org

STEVEN S. ALM
PROSECUTING ATTORNEY
LOIO HO'OPI'I



THOMAS J. BRADY
FIRST DEPUTY PROSECUTING ATTORNEY
HOPE MUA LOIO HO'OPI'I

**THE HONORABLE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i**

March 13, 2025

RE: S.B. 1324 S.D. 2; RELATING TO FIREWORKS.

Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony with comments on S.B. 1324 S.D. 2.

S.B. 1324 amends the definition of “aerial device”¹ by offering two alternative definitions. The first definition refers to explosives that travel a prescribed vertical distance and then detonate. The second definition applies specific low-grade explosives defined and regulated under federal law.

For clarity, the Committee may wish to consider separating these definitions under two distinct terms. Both are needed because each addresses a separate prong of enforcement. The first is useful for exploded ordinance; the second, for unexploded ordinance.

The state Fireworks Control Law, codified at Hawai'i Revised Statutes (HRS) Chapter 134D, uses common definitions for regulation and prohibition. But these are two different problems. Regulating the legal and licensed use of fireworks focuses on commercial vendors possessing unexploded materials. Prohibiting illegal use usually involves individual consumers igniting fireworks. The problem is best illustrated by examining the current definition of an “aerial device.”

Under HRS § 134D-2, “fireworks” must contain more than one-quarter grain² of explosive substance. In turn, an “aerial device” contains 130 milligrams (approximately two grains) or less of explosive materials. Thus, one requirement for an aerial device is that it contain more than one-quarter grain but less than 130 milligrams of explosive material.

¹ S.B. 1324 S.D. 2, p. 41:4 - 42:3.

² A grain is a unit of measurement for mass equivalent to around 64.8 milligrams or $\frac{1}{7,000}$ avoirdupois pound.

This technical specificity in defining “aerial device” is useful for regulating the legal and licensed trade in fireworks. For example, specifying the maximum amount of explosive material prevents the licensing of a bomb or a cannon or a space rocket as an “aerial device.”

But a police officer who witnesses the ignition and combustion of an aerial device cannot testify regarding the mass of explosive material that item once contained. In other words, the prosecution cannot prove the item qualifies as an “aerial device.” That evidence has literally been destroyed. So even in cases where an officer directly witnesses the explosion, a prosecution for the offense will not result in a conviction.

Thank you for the opportunity to testify.

SB-1324-SD-2

Submitted on: 3/11/2025 11:06:29 AM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cathy Goeggel	Animal Rights Hawai'i	Support	Written Testimony Only

Comments:

Please pass SB1324 SD2 ! It is common sense. Mahalo!

TESTIMONY OF
LARRY S VERAY

TO THE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

IN STRONG SUPPORT OF SB1324 SD2

RELATED TO FIREWORKS

March 11, 2025

Aloha, Chair Tarnas, Vice Chair Poepoe and committee members. I am Larry Veray, Chairman for the Pearl City Neighborhood Board No. 21. I am submitting this testimony representing our board as a whole. The board passed two resolutions on Illegal Aerial Fireworks on January 25, 2022 and January 28, 2025. **I am in STRONG SUPPORT OF SB1324 SD2.**

Organized crime in Hawai'i continues to grow in their illegal fireworks sales to the public with underground sales of tons of illegal aerial fireworks and bombs throughout the islands. Of great concern, is the storage of all these fireworks throughout our neighborhoods.

I most strongly recommend you approve this bill and appropriate funds to support the Illegal Task Force operations and engagement planning.

This bill will establish fireworks criminal offenses, penalties, infractions and appropriated funds for following:

- Amends multiple definitions and penalties for fireworks offenses
- Heighten penalties if another person suffers injury or death
- Criminal offense for 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 prohibition
- Refusal to provide identification; and violating requirements of carrier
- Establishes an adjudication system and procedures to process fireworks infractions
- Appropriates funds

You have an opportunity to set up Law Enforcement for Success in their mission by acquiring adequate funding to bring organized crime criminals to justice and mitigate illegal fireworks use and sales in Hawai'i. Please approve SB1324 SD2. Mahalo!

Larry S. Veray

PHANTOM FIREWORKS

Distributors of Phantom® and Wolf Pack® Brand Fireworks

2445 Belmont Ave
Youngstown, Ohio 44505
Danial Peart, Director of Government Affairs

o. 330.746.1064
dpeart@fireworks.com
www.fireworks.com

Senate Bill 1324

Good morning Chair Tarnas, Vice Chair Poepoe and members of the committee on Judiciary & Hawaiian Affairs. My name is Dan Peart, Director of Government Affairs for Phantom Fireworks, one of the leading retailers of consumer fireworks in the country. Thank you for the opportunity to present our comments on SB 1324, SD2.

Fireworks play an important role in marking significant occasions such as New Year's Eve, Chinese New Year, and the Fourth of July, bringing families and communities together in celebration. Clearly, Phantom Fireworks understands the importance of tackling the illegal fireworks market and we have supported a number of those efforts each year. We've had great relationships with our enforcement officials and our inspection history is pristine.

Further restrictions to consumer fireworks could unfairly penalize required to divert limited resources thereby neglecting the more important problem of stopping the proliferation of the aerial fireworks. Instead of penalizing residents who follow the rules, the legislature should strengthen measures to detect and intercept illegal fireworks and provide the proper resources for better enforcement of existing laws.

In order to avoid inadvertent restrictions to consumer fireworks, we propose an amendment to ensure that licensed distributors are not unintentionally impacted by the amendments to possession of consumer fireworks (changes to SB 1324, SD2 are in **red bold**):

§132D-E Consumer fireworks prohibitions. (a)

It shall be unlawful for any person to:

(1) Purchase, possess, set off, ignite, discharge, or otherwise cause to explode any consumer fireworks without a permit required pursuant to section 132D-10; **this subsection shall not limit the ability of retailers licensed pursuant to section 132D-7 to store and transport consumer fireworks;** or

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

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

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

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

Additionally, SB 1324, SD2 introduces a complex adjudication system that risks burdening the judicial system with minor infractions, diverting resources from more serious public safety concerns. The creation of a separate fireworks infraction system, a costly specialty court, may not effectively deter illegal fireworks use, as enforcement has historically been a challenge due to the limited resources spent in locating and prosecuting the illegal fireworks themselves. Instead policymakers should consider a more nuanced solution that balances public safety with community education and funding enforcement through the task force, ensuring that enforcement is both effective and fair. Thank you for your time and consideration.

Sincerely,

Danial Peart



Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

SB 1324 SD2 Relating to Fireworks – Comments, Request Amendments

Thursday, March 13, 2025 at 2:00 p.m.
Conference Room 325 & via Videoconference

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee:

TNT Fireworks (“TNT”) offers comments on SB 1324 SD2 and requests amendments.

TNT is the largest distributor of fireworks in the U.S. and an importer and seller of legal and safe consumer fireworks in Hawaii. TNT has had a presence in Hawaii for over 20 years and we partner with retailers such as Longs Drugs, KTA Supermarket, Marukai, Don Quijote, Costco, Foodland, Malama Market, Food Pantry, Times Supermarkets and many others.

SB 1324 SD2 proposes to amend the fireworks control laws in Hawaii, focusing on enforcement, penalties, and establishing a fireworks courts system. However, we respectfully disagree that this bill provides the necessary clarity particularly as it relates to “consumer fireworks.”

First, this measure imposes restrictions on consumer fireworks without recognizing that county ordinances permit the types of consumer fireworks that are permitted in each county. By sweeping all consumer fireworks without consideration that ground based novelties such as sparklers and fountains are permitted in most counties, the bill is essentially a ban on all these products.

Second, in Section 7 of the bill, it removes county authority to issue licenses and permits under §132D-7, creating ambiguity. Given that county fire departments issue permits to wholesalers and retailers, there does not seem to be a clear replacement agency to issue permits. Moreover, consumer fireworks permit issuance varies by county, with all counties except Oahu allowing purchase at retail locations alongside firecrackers.

While well-intentioned, this measure may have negative repercussions for businesses, agencies, and the continued safe and responsible use of consumer fireworks where permitted.

AMERICAN PROMOTIONAL EVENTS, INC.
2120 MILWAUKEE WAY • TACOMA, WA 98421
TACOMA (253) 922-0800 • FAX (253) 830-2930
www.tntfireworks.com



However, if the committee is inclined to advance this measure, we respectfully request amendments so we do not impose unnecessary and unintentional restrictions on consumer fireworks:

Page 35, lines 19-20; page 36

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

(1) Purchase, possess, set off, ignite, discharge, or otherwise cause to explode [any] consumer fireworks, excluding firecrackers, without a permit required pursuant to section 132D-10 except in counties where such activities are not prohibited; or

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

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

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

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

Notwithstanding subsection (a), a retailer or wholesaler licensed under §132D-7 may transport and store consumer fireworks in any county, provided that such fireworks are ultimately intended for sale and use in a county where such sale and use are permitted by county ordinance, and further provided that such transport and storage comply with all applicable state and federal safety regulations.

We request a safe harbor provision to specifically allow licensed retailers and wholesalers to transport and store consumer fireworks, even in counties where use is restricted, provided they are transporting or storing them for sale in counties where such consumer fireworks are permitted. This is critical to avoid an undue burden on businesses operating across multiple counties with differing regulations.

In closing, rather than expanding restrictions on all fireworks, officials should focus on the more pressing issue of curbing illegal aerial fireworks. Broadening the ban would force authorities to allocate scarce resources towards penalizing users of consumer fireworks, distracting from efforts to combat the proliferation of more dangerous aerial varieties. Instead of punishing law-abiding residents, the legislature should: 1) enhance measures to detect and intercept illegal fireworks; and 2) allocate adequate resources for improved enforcement of existing laws.

Thank you for the opportunity to testify.

AMERICAN PROMOTIONAL EVENTS, INC.
2120 MILWAUKEE WAY • TACOMA, WA 98421
TACOMA (253) 922-0800 • FAX (253) 830-2930
www.tntfireworks.com



Hawaiian Humane Society

People for animals. Animals for people.

Date: March 12, 2025

To: Chair Rep. David Tarnas
Vice Chair Rep. Mahina Poepoe
and Members of the Committee on Judiciary and Hawaiian Affairs

Submitted By: Stephanie Kendrick, Director of Community Engagement
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of SB 1324, SD2: Relating to Fireworks
Thursday, March 13, 2025, 2 p.m., Room 325 & Videoconference

On behalf of the Hawaiian Humane Society, thank you for considering our support for Senate Bill 1324, SD2, which 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 holder; 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; and appropriates funds.

Hawaiian Humane supports any attempt to restrict fireworks from residential neighborhoods. Despite tragic deaths and injuries spanning many years - and reaching a new level of horror on O'ahu this year - the crime of using illegal fireworks is rarely punished. This measure attempts to remedy that failure of our legal system.

These bombs increasingly go off without regard to date and terrorize pets and people alike. The unpredictable barrage makes it impossible to prepare and creates sustained stress, which can do lasting damage to emotional, mental and physical health.

Please pass SB132, SD2, and hold the perpetrators of these crimes accountable. Mahalo for your consideration.



Hawaii Representatives & Senators:

On behalf of the Libertarian Party of Hawaii, I am writing to express our strong opposition to any prohibitions and enforcement measures targeting fireworks. We believe Hawaiians have the right to pursue and engage in any activities that bring them joy and fulfillment.

Fireworks prohibitions and regulations infringe upon the freedom of our citizens to partake in this time-honored custom, diminishing the spirit of celebration and unity that fireworks bring.

Implementing strict enforcement measures to crack down on fireworks usage would only serve to burden law enforcement resources, and divert needed attention away from more pressing issues. Prohibitions and heavy enforcement will lead to unnecessary conflict between police and citizens, eroding trust and creating an atmosphere of fear and animosity. Causing harm against another person is already illegal, and crimes can already be prosecuted without these new tyrannical enforcement measures.

The Libertarian Party of Hawaii stands firm in our support of individual freedom and opposes any measures that encroach upon our citizens' rights.

In Freedom,

Abbra Green

Executive Secretary, Libertarian Party of Hawaii

lphisecretary@gmail.com

SB-1324-SD-2

Submitted on: 3/12/2025 12:43:03 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Austin Martin	Libertarian Party of Hawaii	Oppose	Remotely Via Zoom

Comments:

Aloha!

I am Austin, the Musical Chair, here today representing the Libertarian Party of Hawaii in strong opposition to this bill.

This bill appears to have provisions which could be abused to violate due process, Which is a common feature in Hawaiian court cases. Our system of law is a laughing stock already - and this will only make things worse.

We already have laws providing for sufficient criminal penalties for the violation of Hawaii's unconstitutional, prohibitions and regulations of all human activity. This instead appears to be an attempt to crack down on people who do not agree with your extreme and radical policy to control all human choices by force - so we are here to beg you not to ruin more lives for the sake of the government's toxic ego complex.

Prohibitions simply do not work. One would think that the Democrats would understand this fact, but here you are as red as any Republican trying to ban all choice, individual freedom, and all "fun" in general, in the name of "safety".

But safteyism is a mental disorder, not a virtue. And again, this isn't about safety...

This bill is about a bunch of bullies flexing their muscles and intimidating ordinary folks who don't cower and scrape like slaves at the bullies' feet.

I can't stand bullies - and most of your voters won't stand for it either when their friends and relatives are treated like serious criminals for non-criminal acts.

The authoritarian ego-trip needs to end.

Stop taking out your anger over national politics and corporate news propaganda out on your voters. It's wrong.

Respectfully,

Austin Martin

Libertarian Party of Hawaii - Chairman



Representative David Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

RE: Testimony in Support of SB1324 SD2: RELATING TO FIREWORKS

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs,

The O'ahu County Committee (OCC) of O'ahu County Democrats is in support of SB1324 SD2, RELATING TO FIREWORKS, which 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, and appropriates funds (SD2).

On Saturday, March 1, 2025, the OCC met to vote to support a variety of fireworks-related legislation that aim to propose solutions to tackle the threat of illegal fireworks in our neighborhoods. After the Aliamanu incident in January, the OCC swift action to task our Legislation Committee to research and monitor what ideas and proposals were being considered, and believe that this is one of many that would keep our residents safe and reduce the use of and minimize the presence of illegal fireworks in the State. The OCC stands behind you in supporting this bill and urges its passage to keep our communities safe and from illegal fireworks.

Mahalo for your consideration and we ask for your support of SB1324 SD2.

Richard Mizusawa
Chair, Legislation Committee
O'ahu County Committee, Oahu County Democrats

SB-1324-SD-2

Submitted on: 3/11/2025 11:56:10 AM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Larry Smith	Individual	Support	Written Testimony Only

Comments:

Please pass this Bill so we can FINALLY address the fireworks crisis

SB-1324-SD-2

Submitted on: 3/11/2025 6:29:36 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Beverly Heiser	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

I STRONGLY SUPPORT SB1324, SD2.

After a slight decrease in illegal fireworks in 2023, thanks to the Illegal Fireworks Task Force making several large seizures at the docks, there was a significant increase in 2024. It has been noted that current laws are weak, does not provide deterrence, are difficult to enforce and virtually almost impossible to prosecute. Having individuals take videos, risking retaliation, assaults, and getting injured from fireworks, have proved useless because once fireworks explodes there is no evidence, and many are not willing to testify. It was mentioned that one of the main roadblocks to enforce and prosecute illegal fireworks was the way these type of fireworks were defined.

SB1324, SD2 provides an excellent solution by providing clear definitions and implementing a dedicated adjudication system for fireworks infractions similar to traffic infractions. This will make it easier for officers to increase enforcement of end-use violators and make it easier and faster to adjudicate cases in a district or family court. An exorbitant amount is spent on fireworks, so hopefully fines will be hefty enough and escalate as needed until a point of deterrence is achieved.

In the area where I live, aerals were most prominent this past New Year's Eve. These aerals come not from a nearby neighbor, but travel from a street or two over. What I found most disturbing when cleaning up the mess is the use of more plastics. When these tubes explode parts of it shatters, scattering small sharp pieces of plastic in the grass. The goal is to reduce plastics, but aerals that have no useful purpose scatter it everywhere. It takes patience each year cleaning up debris that we were not responsible for. It's troubling for people who have to pay for damages caused by illegal fireworks because there is no evidence and proof who did it. A post this past New Year's Eve showed a gaping hole in a Waipahu roof where debris landed on furniture and the floor. We cringe when we hear an aerial hit our roof. My neighbor has a nice garden and plants vegetables to eat. This past New Year's Eve she actually covered what she could of her garden so firework chemicals and debris would not contaminate her plants and soil.

You would think the Aliamanu incident would make people think twice, but I still hear illegal fireworks every now and then, not to mention another recent incident on 1/28/25 where a 27 year-old woman sustained serious multiple shrapnel injuries after igniting fireworks.

Please pass **SB1324, SD2** to prevent another Aliamanu tragedy.

Thank you for the opportunity to testify.

SB-1324-SD-2

Submitted on: 3/11/2025 6:44:01 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this important bill. Mahalo.

SB-1324-SD-2

Submitted on: 3/11/2025 8:28:57 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tony Velasco	Individual	Support	Written Testimony Only

Comments:

Am in support to save lives

SB-1324-SD-2

Submitted on: 3/11/2025 8:40:26 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael A. Cobb Jr	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill, do not ban red fire crackers. Allow sparklers as well. I pay enough taxes, stop banning personal property. Start enforcing the current laws. Thank You

SB-1324-SD-2

Submitted on: 3/11/2025 8:42:00 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ellen Godbey Carson	Individual	Support	Written Testimony Only

Comments:

Thank you for pursuing better ways to control our fireworks problem, which has been out of control for years. I support this Bill SB1324 that makes some common sense changes for better enforcement to help safeguard our community. Let's hope this will be the beginning of the end of senseless injuries and deaths associated with illegal fireworks in Hawaii.

Ellen Carson

Honolulu, Hawaii

SB-1324-SD-2

Submitted on: 3/11/2025 9:23:04 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I am in full support of every bill which will work to stop the lawlessness of illegal fireworks. We need to take a holistic approach to the problem, to make the community safe from the horrific noise, injuries, death of what clearly is not cultural behavior, to save those with PTSD from more trauma, and to spare our pets from this terror. Please support all fireworks bills and increase enforcement.

SB-1324-SD-2

Submitted on: 3/11/2025 9:27:08 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicholas Zehr	Individual	Oppose	Written Testimony Only

Comments:

Honorable Chair, Vice Chair, and Members of the Committee,

I respectfully oppose SB 1324. While I acknowledge that fireworks carry inherent risks, responsible use has long been part of Hawai‘i’s cultural celebrations and supports local businesses. **Rather than banning safe practices, we should target reckless behavior through existing laws.**

This bill imposes broad prohibitions and new criminal classifications that blur the line between negligent actions and lawful, celebratory use. By expanding government authority and creating sweeping penalties—even for minor infractions—SB 1324 **risks diverting resources from addressing genuinely dangerous conduct.** A more precise, evidence-based approach would protect public safety without undermining cultural traditions or individual liberty.

I urge the legislature to **enforce current statutes against demonstrable harm and to reject measures that penalize responsible behavior.** Mahalo for your time and consideration.

Sincerely,
Nicholas Zehr

SB-1324-SD-2

Submitted on: 3/11/2025 10:17:52 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Individual	Support	Written Testimony Only

Comments:

SUPPORT

SB-1324-SD-2

Submitted on: 3/11/2025 10:46:20 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
M. Leilani DeMello	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I OPPOSE this bill.

Mahalo,

M. Leilani DeMello

SB-1324-SD-2

Submitted on: 3/12/2025 1:42:25 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Reeser	Individual	Support	Written Testimony Only

Comments:

Aloha Honorable Committee Members on Judiciary & Hawaiian Affairs,

I am writing as a resident of Makawao, Maui, where we have been dealing with year-round fireworks (both illegal and legal) and homemade bombs detonating throughout our residential neighborhood. The explosions shake our houses and terrify our animals and elderly neighbors, some with PTSD. There is no way to predict when the explosions will hit and cannot be planned for. Even on July 4th and New Year's Eve, there are no drugs or options available to protect our families, pets and neighbors from the war zones taking place in our neighborhoods due to the power and quantity of these unsafe fireworks. It is not safe to go outside during these times as dangerous projectiles are everywhere, shooting into our houses, landing on fire on our roofs and yards. This is beyond dangerous so any tools that can be used to stop it must be implemented immediately as the crisis gets worse every year. There will be more preventable accidents and deaths if nothing is done. The last thing we need is for our insurance rates to rise because we continue to let this problem grow out of control.

Mahalo for doing your part,
Cheryl Reeser

SB-1324-SD-2

Submitted on: 3/13/2025 9:20:37 AM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mariano Castillo	Individual	Oppose	Written Testimony Only

Comments:

I oppose sb1324