
A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. Chapter 132D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§132D- Forfeiture of property used in violation of
5 this chapter. In the case of a violation of this chapter that
6 constitutes a felony, any property used or intended for use in
7 the commission of, attempt to commit, or conspiracy to commit a
8 violation under this chapter or that facilitated or assisted the
9 activity, and any proceeds or other property acquired or
10 maintained with the proceeds from a violation of this chapter,
11 may be ordered forfeited to the State, subject to the
12 requirements of chapter 712A."

13 SECTION 2. Section 132D-2, Hawaii Revised Statutes, is
14 amended by amending the definition of "aerial device" to read as
15 follows:

16 "Aerial device" means any fireworks that upon ignition,
17 discharge, or otherwise being set off [~~rises~~] moves itself more



1 than twelve feet [~~into the air~~] in any direction and then
2 combusts, explodes, deflagrates, or detonates [~~in the air~~],
3 shoots or emits flaming balls, or shoots or emits sparks[-], or
4 any fireworks that upon ignition, discharge, or otherwise being
5 set off is capable of moving itself more than twelve feet in any
6 direction and then combusting, exploding, deflagrating, or
7 detonating, shooting or emitting flaming balls, or shooting or
8 emitting sparks. Alternatively, "aerial device" may include but
9 is not limited to any device classified as fireworks under
10 UN0336 and UN0337 by the United States Department of
11 Transportation as set forth in title 49 Code of Federal
12 Regulations that contains one hundred thirty milligrams or less
13 of explosive materials, including firework items commonly known
14 as bottle rockets, sky rockets, missile-type rockets,
15 helicopters, torpedoes, daygo bombs, roman candles, flying pigs,
16 and jumping jacks that move about the ground farther than a
17 circle with a radius of twelve feet as measured from the point
18 where the item was placed and ignited, aerial shells, and
19 mines."

20 SECTION 3. Section 132D-5.2, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) A person commits the offense of sending or receiving
2 fireworks or articles pyrotechnic by air delivery if the person
3 intentionally, knowingly, or recklessly sends or receives any
4 amount of aerial devices, articles pyrotechnic, consumer
5 fireworks, or display fireworks via any form of air delivery,
6 including but not limited to any private courier, commercial
7 carrier, or mail or postal services~~[+]~~, regardless of whether
8 the person accompanies the fireworks or articles pyrotechnic on
9 the air delivery; provided that a person possessing a current
10 explosives license issued by the federal Bureau of Alcohol,
11 Tobacco, Firearms and Explosives shall not be prosecuted under
12 this section if the person sends or receives the aerial devices,
13 articles pyrotechnic, consumer fireworks, [~~aerial devices,~~] or
14 display fireworks~~[, or articles pyrotechnic]~~ via any form of air
15 delivery in compliance with federal law."

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2055.



Report Title:

Fireworks; Civil Forfeiture; Criminal Enforcement; Air Delivery

Description:

Authorizes civil asset forfeiture related to fireworks offenses that constitute felonies. Amends the definition of "aerial device". Clarifies that the offense of sending or receiving fireworks or articles pyrotechnic by air delivery applies regardless of whether the offender accompanies the air delivery. Effective 7/1/2055. (SD1)

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