
A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. Chapter 712, Hawaii Revised Statutes, is
2 amended by adding a new section to part V to be appropriately
3 designated and to read as follows:

4 "§712- Forfeiture. In addition to any other penalty
5 that may be imposed for violation of section 132D-14(a)(1) or
6 (3), any property used or intended for use in the commission of,
7 attempt to commit, or conspiracy to commit an offense under
8 section 132D-14(a)(1) or (3), or that facilitated or assisted
9 such activity, and any proceeds or other property acquired or
10 maintained with the proceeds from violation of section
11 132D-14(a)(1) or (3) may be subject to forfeiture pursuant to
12 chapter 712A."

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

16 "Import" (and any nounal, verbal, adjectival, adverbial,
17 and other equivalent form of the term used interchangeably in
18 this chapter) means to bring or attempt to bring fireworks into



1 the [~~State~~] state or to cause fireworks to be brought into the
2 [~~State.~~] state, and includes fireworks labeled or designated as
3 samples, even if not intended for retail sale."

4 SECTION 3. Section 132D-14, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§132D-14 Penalty. (a) Any person:

- 7 (1) Importing aerial devices, display fireworks, or
8 articles pyrotechnic without having a valid license
9 under section 132D-7 shall be guilty of a class C
10 felony;
- 11 (2) Purchasing, possessing, setting off, igniting, or
12 discharging aerial devices, display fireworks, or
13 articles pyrotechnic without a valid permit under
14 sections 132D-10 and 132D-16, or storing, selling, or
15 possessing aerial devices, display fireworks, or
16 articles pyrotechnic without a valid license under
17 section 132D-7:
- 18 (A) If the total weight of the aerial devices,
19 display fireworks, or articles pyrotechnic is
20 twenty-five pounds or more, shall be guilty of a
21 class C felony; or



1 (B) If the total weight of the aerial devices,
2 display fireworks, or articles pyrotechnic is
3 less than twenty-five pounds, shall be guilty of
4 a misdemeanor;

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

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

14 (b) Except as provided in subsection (a) or as otherwise
15 specifically provided for in this chapter, any person violating
16 any other provision of this chapter, shall be fined not more
17 than \$2,000 for each violation.

18 (c) The court shall collect the fines imposed in
19 subsections (a) and (b) for violating this chapter and, of the
20 fines collected, shall pay twenty per cent to the State and
21 eighty per cent to the county in which the fine was imposed



1 which shall be expended by the county for law enforcement
2 purposes.

3 (d) Notwithstanding any penalty set forth herein,
4 violations of subsection (a) (1) or (3) may be subject to
5 nuisance abatement proceedings provided in part V of chapter
6 712."

7 SECTION 4. Section 712-1270, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§712-1270 Places used to commit offenses against public
10 health and morals, a nuisance. Every building, premises, or
11 place used for the purpose of violating [~~these~~]:

12 (1) Those laws pertaining to offenses against public
13 health and morals contained in parts I, II, and IV of
14 this chapter, except offenses under part IV which do
15 not involve the manufacture or distribution of
16 drugs [7]; or

17 (2) Section 132D-14 (a) (1) or (3),
18 and every building, premises, or place in or upon which the
19 violations are held or occur in parts I, II, and IV, or section
20 132D-14 (a) (1) or (3), is a nuisance that shall be enjoined,
21 abated, and prevented, regardless of whether it is a public or
22 private nuisance."



1 SECTION 5. Section 712-1270.3, Hawaii Revised Statutes, is
2 amended to read as follows:

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

6 (1) Fireworks related offenses contained in section
7 132D-14(a)(1) or (3); 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 6. If any provision of this Act, or the
16 application thereof to any person or circumstance is held
17 invalid, the invalidity does not affect other provisions or
18 applications of the Act which can be given effect without the
19 invalid provision or application, and to this end the provisions
20 of this Act are severable.



1 SECTION 7. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

4 SECTION 8. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 9. This Act shall take effect upon its approval.



Report Title:

Nuisance Abatement; Forfeiture; Illegal Fireworks

Description:

Addresses the illegal importation, sale, and transfer of fireworks by including samples in the definition of "fireworks" and establishing nuisance abatement and forfeiture actions to discourage those illegal activities. (HB1987 CD1)

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