

JAN 22 2010

## A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. Section 132D-8.6, Hawaii Revised Statutes, is  
2 amended by amending subsection (f) to read as follows:

3 "(f) Any person violating subsection (a), (c), or (d)  
4 shall be subject to the following for shipments of fireworks or  
5 articles pyrotechnic of:

6 (1) Twenty-five pounds or less gross weight shall be a  
7 ~~[petty misdemeanor,]~~ class C felony and the person  
8 shall be fined not less than \$10,000; and

9 (2) Over twenty-five pounds to three hundred pounds gross  
10 weight shall be a ~~[misdemeanor,]~~ class B felony and  
11 the person shall be fined not less than \$50,000.

12 ~~[(3) Over three hundred pounds to ten thousand pounds gross  
13 weight shall be a class C felony; and~~

14 ~~-(4) More than ten thousand pounds gross weight shall be a  
15 class B felony.] "~~

16 SECTION 2. Section 132D-14, Hawaii Revised Statutes, is  
17 amended by amending subsection (a) and (b) to read as follows:

18 "(a) Any person:



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

5           (2) Purchasing, possessing, setting off, igniting, or  
6           discharging aerial devices, display fireworks, or  
7           articles pyrotechnic without a valid permit under  
8           sections 132D-10 and 132D-16, or storing, selling, or  
9           possessing aerial devices, display fireworks, or  
10          articles pyrotechnic without a valid license under  
11          section 132D-7:

12           (A) If the total weight of the aerial devices,  
13           display fireworks, or articles pyrotechnic is  
14           twenty-five pounds or more, shall be guilty of a  
15           class [E] B felony; or

16           (B) If the total weight of the aerial devices,  
17           display fireworks, or articles pyrotechnic is  
18           less than twenty-five pounds, shall be guilty of  
19           a [~~misdemeanor~~] class C felony;

20          (3) Who transfers or sells aerial devices, display  
21          fireworks, or articles pyrotechnic to a person who



1 does not have a valid permit under sections 132D-10  
 2 and 132D-16, shall be guilty of a class C felony; 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.~~] class C felony.

8 (b) Except as provided in subsection (a) or as otherwise  
 9 specifically provided for in this chapter, any person violating  
 10 any other provision of this chapter, shall be fined not more  
 11 than [~~\$2,000~~] \$10,000 for each violation."

12 SECTION 3. This Act does not affect rights and duties that  
 13 matured, penalties that were incurred, and proceedings that were  
 14 begun before its effective date.

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

17 SECTION 5. This Act shall take effect upon its approval.

18

INTRODUCED BY: Michelle A. Stedani

Simon M. ... Will Evers

S. T. J. A Assembly of ...



**Report Title:**

Fireworks; Penalties

**Description:**

Increases the penalties for fireworks violations.

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