

---

---

# 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 132D-  
11 14(a)(1) or (3) may be subject to forfeiture pursuant to chapter  
12 712A."

13 SECTION 2. Section 132D-14, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 **"§132D-14 Penalty.** (a) Any person:  
16 (1) Importing aerial devices, display fireworks, or  
17 articles pyrotechnic without having a valid license



1 under section 132D-7 shall be guilty of a class C  
2 felony;

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

10 (A) If the total weight of the aerial devices,  
11 display fireworks, or articles pyrotechnic is  
12 twenty-five pounds or more, shall be guilty of a  
13 class C felony; or

14 (B) If the total weight of the aerial devices,  
15 display fireworks, or articles pyrotechnic is  
16 less than twenty-five pounds, shall be guilty of  
17 a misdemeanor;

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



1           (4) Who removes or extracts the pyrotechnic contents from  
2           any fireworks or articles pyrotechnic and uses the  
3           contents to construct fireworks, articles pyrotechnic,  
4           or a fireworks or articles pyrotechnic related device  
5           shall be guilty of a misdemeanor.

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

10          (c) The court shall collect the fines imposed in  
11          subsections (a) and (b) for violating this chapter and of the  
12          fines collected shall pay twenty per cent to the State and  
13          eighty per cent to the county in which the fine was imposed  
14          which shall be expended by the county for law enforcement  
15          purposes.

16          (d) Notwithstanding any penalty set forth herein,  
17          violations of subsection (a)(1) or (3) may be subject to  
18          nuisance abatement proceedings provided in part V of chapter  
19          712."

20          SECTION 3. Section 712-1270, Hawaii Revised Statutes, is  
21          amended to read as follows:



1           "**§712-1270 Places used to commit offenses against public**  
2 **health and morals, a nuisance.** Every building, premises, or  
3 place used for the purpose of violating [~~these~~]:

4           (1) Those laws pertaining to offenses against public  
5 health and morals contained in parts I, II, and IV of  
6 this chapter, except offenses under part IV which do  
7 not involve the manufacture or distribution of  
8 drugs[~~r~~]; or

9           (2) Section 132D-14(a)(1) or (3),  
10 and every building, premises, or place in or upon which the  
11 violations are held or occur in parts I, II, and IV, or section  
12 132D-14(a)(1) or (3), is a nuisance that shall be enjoined,  
13 abated, and prevented, regardless of whether it is a public or  
14 private nuisance."

15           SECTION 4. Section 712-1270.3, Hawaii Revised Statutes, is  
16 amended to read as follows:

17           "**[~~§~~712-1270.3~~]~~ Citizen's rights.** Any citizen who  
18 brings a nuisance abatement suit against a place used for the  
19 purpose of committing [~~drug~~]:

20           (1) Fireworks related offenses contained in section 132D-  
21 14(a)(1) or (3); or



1        (2) Drug offenses under part IV of this chapter or who  
2                files a complaint with the local police or drug  
3                nuisance abatement unit of the department of the  
4                attorney general,  
5 shall be entitled to the same rights and protections of victims  
6 and witnesses in criminal proceedings in accordance with chapter  
7 801D."

8                SECTION 5. If any provision of this Act, or the  
9 application thereof to any person or circumstance is held  
10 invalid, the invalidity does not affect other provisions or  
11 applications of the Act which can be given effect without the  
12 invalid provision or application, and to this end the provisions  
13 of this Act are severable.

14                SECTION 6. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun, before its effective date.

17                SECTION 7. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19                SECTION 8. This Act shall take effect on December 21,  
20 2058.



**Report Title:**

Nuisance Abatement; Illegal Fireworks

**Description:**

Establishes a cause of action to abate the illegal purchasing, selling, possession, setting off, igniting or discharging of fireworks. Allows the court to order the closure of any place used in violation of the fireworks law. Allows for the forfeiture of property used in violation of the fireworks law. Effective December 21, 2058. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

