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# 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 or to cause fireworks to be brought into the State[-],  
2 and includes fireworks labeled or designated as samples, even if  
3 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 on September 14,  
7 2047.

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**Report Title:**

Nuisance Abatement; Illegal Fireworks

**Description:**

Amends definition of "import" to include fireworks that are labeled or designated as samples, even if not intended for retail sale. 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 September 14, 2047. (SD2)

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

