



STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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April 4, 2011

The Honorable Gilbert Keith-Agaran, Chair  
Committee on Judiciary  
House of Representatives  
State Capitol, Room 302  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran:

Subject: S.B. 782, S.D. 2 Relating to Dangerous Weapons

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support S.B. 782, S.D. 2, which prohibits any person from possessing, constructing, setting off, igniting, discharging, or otherwise causing to explode any homemade explosive device.

The bill seeks to establish a violation of this prohibition as a Class C felony. These devices are a potential danger to life and property, and the discharging creates a loud disturbance to the surrounding community. We believe the proposed penalty will be a deterrent to individuals who may consider constructing or setting off these devices.

The SFC and the HFD also offer the following comments:

1. We support the statewide ban of consumer fireworks, except for special events and professional public fireworks displays.
2. We believe each county should continue to determine potential fireworks hazards and benefits to their community and impose stricter fireworks laws than the state based on each county's needs and resources.
3. We support measures that make for easier arrest and prosecution of illegal purchase, possession, setting off, igniting, or discharging of fireworks and increase penalties and consequences for convictions of fireworks violations.

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4. We support measures that clarify the current Fireworks Control Law (Chapter 132D, Hawaii Revised Statutes) and promote the effective enforcement and administration of fireworks permits and licenses for regulatory agencies.

The SFC and the HFD urge your committee's support on the passage of S.B. 782, S.D. 2.

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,



KENNETH G. SILVA  
Chair

KGS/LR:cn

**Testimony of the Office of the Public Defender, State of Hawaii,  
to the House Committee on Judiciary**

April 5, 2011

**S.B. No. 782 SD2: RELATING TO DANGEROUS WEAPONS**

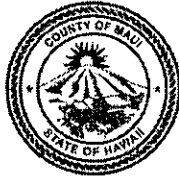
Chair Keith-Agaran and Members of the Committee:

We have concerns about S.B. No. 782 SD2 which seeks to establish a Class C felony offense for constructing or setting off a homemade explosive device. Our concern is regarding the definition of "homemade explosive device." The lines 16 and 17 on page 1 of the definition is very vague. It is unclear when a device would be "capable of instantaneously releasing a sufficient amount of energy to inflict substantial damage to persons or property." The term "substantial damage" is not accompanied by any standards as are the criminal property damage laws which specify dollar amounts of damage. One could argue that a small homemade firecracker which would leave a chip or burn mark on a building would fall under this measure. Would it be the intent of the legislature to punish homemade firecrackers as a Class C felony?

Also, it would seem that H.R.S. § 134-8(a) already covers the conduct addressed in this bill. That section prohibits the manufacture or possession of any explosive and punishes the illegal possession as a Class C felony.

Thank for the opportunity to comment on this measure.

ALAN M. ARAKAWA  
MAYOR



JEFFREY A. MURRAY  
CHIEF

ROBERT M. SHIMADA  
DEPUTY CHIEF

**COUNTY OF MAUI**  
DEPARTMENT OF FIRE AND PUBLIC SAFETY

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April 4, 2011

The Honorable Gilbert Keith-Agaran, Chair  
Committee on Judiciary  
House of Representatives  
State Capitol, Room 302  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran:

Subject: S.B. 782, S.D. 2 Relating to Dangerous Weapons

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire & Public Safety (MFD) and a member of the State Fire Council (SFC). The MFD and the SFC support S.B. 782, S.D. 2, which prohibits any person from possessing, constructing, setting off, igniting, discharging, or otherwise causing to explode any homemade explosive device.

The bill seeks to establish a violation of this prohibition as a Class C felony. These devices are a potential danger to life and property, and the discharging creates a loud disturbance to the surrounding community. We believe the proposed penalty will be a deterrent to individuals who may consider constructing or setting off these devices.

The MFD and the SFC also offer the following comments:

1. We support the statewide ban of consumer fireworks, except for special events and professional public fireworks displays.
2. We believe each county should continue to determine potential fireworks hazards and benefits to their community and impose stricter fireworks laws than the state based on each county's needs and resources.
3. We support measures that make for easier arrest and prosecution of illegal purchase, possession, setting off, igniting, or discharging of

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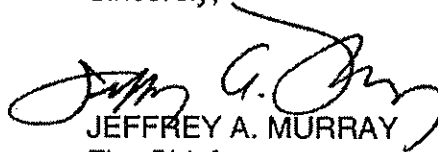
fireworks and increase penalties and consequences for convictions of fireworks violations.

4. We support measures that clarify the current Fireworks Control Law (Chapter 132D, Hawaii Revised Statutes) and promote the effective enforcement and administration of fireworks permits and licenses for regulatory agencies.

The MFD and the SFC urge your committee's support on the passage of S.B. 782, S.D. 2.

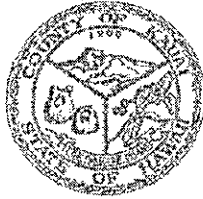
Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,



JEFFREY A. MURRAY  
Fire Chief

**Bernard P. Carvalho, Jr.**  
Mayor



**Robert F. Westerman**  
Fire Chief

**Gary K. Heu**  
Managing Director

**John T. Blalock**  
Deputy Fire Chief

**KAUA'I FIRE DEPARTMENT**  
**County of Kaua'i, State of Hawai'i**  
3083 Akahi Street, Suite 101, Lihu'e, Hawai'i 96766  
TEL (808) 241-4980 FAX (808) 241-6508

March 17, 2011

The Honorable Gilbert Keith-Agaran, Chair  
Committee on Judiciary  
House of Representatives  
State Capitol, Room 302  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran:

**Subject: S.B. 782, S.D. 2 Relating to Dangerous Weapons**

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The SFC and the KFD support S.B. 782, S.D. 2, which prohibits any person from possessing, constructing, setting off, igniting, discharging, or otherwise causing to explode any homemade explosive device.

The bill seeks to establish a violation of this prohibition as a Class C felony. These devices are a potential danger to life and property, and the discharging creates a loud disturbance to the surrounding community. We believe the proposed penalty will be a deterrent to individuals who may consider constructing or setting off these devices.

The SFC and the KFD also offer the following comments:

1. We support the statewide ban of consumer fireworks, except for special events and professional public fireworks displays.
2. We believe each county should continue to determine potential fireworks hazards and benefits to their community and impose stricter fireworks laws than the state based on each county's needs and resources.
3. We support measures that make for easier arrest and prosecution of illegal purchase, possession, setting off, igniting, or discharging of fireworks and increase penalties and consequences for convictions of fireworks violations.


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4. We support measures that clarify the current Fireworks Control Law (Chapter 132D, Hawaii Revised Statutes) and promote the effective enforcement and administration of fireworks permits and licenses for regulatory agencies.

The SFC and the KFD urge your committee's support on the passage of S.B. 782, S.D. 2.

Please call me at (808) 241-4980 should you have any questions regarding this matter.

Sincerely,



Robert Westerman  
Fire Chief, County of Kauai

RFW/eld