

JAN 25 2017

A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. The legislature finds that the illegal use of
2 fireworks is a significant public health threat to the residents
3 of Hawaii and causes a host of problems including undue stress
4 and discomfort due to noise pollution, numerous fires, and
5 injuries ranging from minor to life-threatening. The
6 legislature further finds that enforcement of the current
7 fireworks laws is challenging to law enforcement.

8 The purpose of this Act is to enhance enforcement of
9 fireworks violations by creating a presumption of possession by
10 the property owner when new or spent fireworks or a portion
11 thereof are found on the property.

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

14 "**§132D-14 Penalty.** (a) Any person:

15 (1) Importing aerial devices, display fireworks, or
16 articles pyrotechnic without having a valid license



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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 (e) For purposes of subsection (a)(2), the presence of any
21 aerial device, display firework, or articles pyrotechnic or



1 portion thereof on a property, regardless of whether the aerial
 2 device, display firework, or articles pyrotechnic or portion
 3 thereof was set off, ignited, or otherwise caused to explode,
 4 shall be prime facie evidence of possession of an aerial device,
 5 display firework, or articles pyrotechnic by the property
 6 owner."

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

10 SECTION 4. New statutory material is underscored.

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

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Report Title:

Fireworks; Evidence; Penalties

Description:

Establishes a presumption of possession for purposes of enforcing the prohibition on fireworks without a valid permit or license.

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