STAND. COM. REP. NO.

Honolulu, Hawaii

February 17 , 2017

RE: H.B. No. 1172

H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1172 entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

begs leave to report as follows:

The purpose of this measure is to increase public safety by clarifying that statements, photographs, video, and other recordings can be used to establish probable cause for the arrest of offenders of Hawaii's fireworks law.

The Hawaii State Fire Council, Honolulu Fire Department, Kauai Fire Department, Poi Dogs & Popoki, and several individuals testified in support of this measure. The Office of the Prosecuting Attorney of the City and County of Honolulu testified in opposition to this measure.

Your Committee notes that the Office of the Prosecuting Attorney of the City and County of Honolulu testified that the definition used to define an aerial device makes it extremely difficult to prosecute individuals arrested for a fireworks violation.

Your Committee has amended this measure by:

(1) Simplifying the definition of "aerial device";

- (2) Adding in a provision making a property owner liable and subject to penalties for knowingly allowing an aerial device to be possessed or ignited on the owner's property; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1172, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1172, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

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ANGUS L.K. McKELVEY, Chair

State of Hawaii House of Representatives The Twenty-ninth Legislature



Record of Votes of the Committee on Consumer Protection & Commerce

	nmittee Referral:	Date	2/13/1	1
θ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: θ Pass, unamended (as is) θ Pass, with amendments (HD) θ Hold θ Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	1			
2. ICHIYAMA, Linda (VC)	J			
3. AQUINO, Henry J.C.	V			
4. ITO, Ken	J			
5. SAY, Calvin K.Y.	V			
6. TAKAYAMA, Gregg	√		-	
7. TODD, Chris	✓			
8. YAMANE, Ryan I.	1		***	
9. FUKUMOTO, Beth	1			
			·	
TOTAL (9)	9	0	0	0
The recommendation is: Θ Adopted Θ Not Adopted If joint referral, did not support recommendation.				
committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				