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March 13, 2018

The Honorable Brian Taniguchi, Chair
Committee on Judiciary
The Senate
State Capitol, Room 219
Honolulu, Hawaii 96813

Dear Chair Taniguchi:

Subject: House Bill (HB) 1172, House Draft (HD) 2, Senate Draft (SD) 1 Relating to Fireworks

I am Manuel P. Neves, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support HB 1172, HD 2, SD 1, which proposes to clarify the probable cause in the arrest of individuals violating the Fireworks Control Law.

This bill enables law enforcement agencies the ability to arrest individuals violating the Fireworks Control Law based on probable cause, eyewitness accounts, photographs, and/or video recordings. Clarifying the enforcement of the Fireworks Control Law should promote public safety and property conservation.

The SFC and the HFD urge your committee's support on the passage of HB 1172, HD 2, SD 1.

Should you have questions, please contact SFC Administrator Lloyd Rogers at 723-7176 or lrogers@honolulu.gov.

Sincerely,

MANUEL P. NEVES
Chair

MPN/LR:cic

ALAN M ARAKAWA
MAYOR



JEFFREY MURRAY
FIRE CHIEF

LIONEL MONTALVO
DEPUTY FIRE CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE & PUBLIC SAFETY

200 DAIRY ROAD
KAHULUI, HI 96732
(808) 270-7561
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March 14, 2018

The Honorable Brian Taniguchi, Chair
Committee on Judiciary
The Senate
State Capitol, Room 219
Honolulu, Hawaii 96813

Dear Chair Taniguchi:

**Subject: House Bill (HB) 1172, House Draft (HD) 1, Senate Draft (SD) 1
Relating to Fireworks**

I am Jeffrey A. Murray, Member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui County, Department of Fire and Public Safety (MFD). The SFC and the MFD support HB 1172, HD 2, SD 1 which proposes to clarify the probable cause in the arrest of individuals violating the Fireworks Control Law.

This bill enables law enforcement agencies the ability to arrest individuals violating the Fireworks Control Law based on probable cause, eyewitness accounts, photographs, and/or video recordings. Clarifying the enforcement of the Fireworks Control Law should promote public safety and property conservation.

The SFC and the MFD urge your committee's support on the passage of HB 1172, HD 2, SD 1.

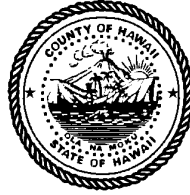
Should you have questions, please contact SFC Administrator Lloyd Rogers at 723-7176 or lrogers@honolulu.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Murray", is written over a white background.

JEFFREY A. MURRAY
Fire Chief

Harry Kim
Mayor



Darren J. Rosario
Fire Chief

Renwick J. Victorino
Deputy Fire Chief

County of Hawai'i
HAWAI'I FIRE DEPARTMENT
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

March 14, 2018

The Honorable Brian Taniguchi, Chair
Committee on Judiciary
The State Senate
State Capitol, Room 219
Honolulu, Hawai'i 96813

Dear Chair Taniguchi:

SUBJECT: HB 1172, HD 2, SD 1, RELATING TO FIREWORKS
Hearing Date: Friday, March 16, 2018
Time/Place of Hearing: 9:30 a.m., Conference Room 016

I am Darren J. Rosario, Member of the Hawai'i State Fire Council (SFC) and Fire Chief of the Hawai'i Fire Department of the County of Hawai'i (HCFD). The SFC and the HCFD supports SB 2186, which proposes to clarify the probable cause in the arrest of individuals violating the Fireworks Control Law.

This bill enables law enforcement agencies the ability to arrest individuals violating the Fireworks Control Law based on probable cause, eyewitness accounts, photographs, and/or video recordings. Clarifying the enforcement of the Fireworks Control Law should promote public safety and property conservation.

The SFC and the HCFD urge your committee's support on the passage of HB 1172, HD 2, SD 1.

Please do not hesitate to contact me at 932-2901 or darren.rosario@hawaiicounty.gov should you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Darren J. Rosario".

DARREN J. ROSARIO
Fire Chief



HB-1172-SD-1

Submitted on: 3/14/2018 1:30:27 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Testifying for Animal Rights Hawai'i	Support	No

Comments:

HB-1172-SD-1

Submitted on: 3/13/2018 11:26:29 AM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Comments	No

Comments:

I oppose Section 3. Not needed.

Section 2, The term "aerial device" must be defined.

HB-1172-SD-1

Submitted on: 3/14/2018 2:26:12 AM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
zeli laporga	Testifying for animal care	Support	No

Comments:

I am in strong support of this bill, I just wish it was in effect , a lot sooner than in 7/1/2050.

I and everyone I know that love their animals are in fear when New Years comes around. We prepare our animals weeks before New years eve to safely stay indoors due to them running in fear, never returning and lost forever.

Witnesses now could help police to arrest property owners firing illegal aerials, by the use of their videos or photographs.

It is not only dangerous to animals but for people too.

Thank you ,

Zeli Laporga

HB-1172-SD-1

Submitted on: 3/13/2018 12:17:45 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Karin Nomura	Individual	Support	No

Comments:

While I love fireworks, believe they should only be set off on the day of or by professionals where it's not impacting residential areas at all hours of the night, when they're not expecting to hear items like the 'bomb', 'gun shots' type, etc. going off. (Especially as I even had fireworks near my home two days ago...) With now the added liability of allowing a person to pop fireworks; people being able to file the report, enough to bring awareness even if nothing else or warning with photo's/video's/etc. feel would reduce some of the illegal activity's from occurring.

HB-1172-SD-1

Submitted on: 3/14/2018 2:01:47 AM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelley Streadbeck	Individual	Support	No

Comments:

HB-1172-SD-1

Submitted on: 3/14/2018 1:46:41 AM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Katie Ward	Individual	Support	No

Comments:

I am in strong support of HB1172 due to the traumatic effect fireworks can have when they are unregulated and outside of scheduled, anticipated shows. Veterans with PTSD can easily be triggered by fireworks when they aren't expecting them. People have lost their animals due to fireworks going off and them running away. Fireworks should be regulated and only allowed on specific, set days and times.

I am writing in support of HB 1172.

We all know that there will probably never be a complete ban of fireworks on Oahu. The current restrictions of needing a permit to purchase firecrackers and the date/time restrictions of firecracker usage was a compromise that people learned to live with and planned around.

Sadly, the use of illegal aeriels and legal fireworks being used illegally (outside the legal time frame), in addition to the house-shaking "bombs", have increased year after year. And the police are simply unable to enforce the current law because they are not a first-hand witness.

There are not many laws that can only be enforced unless seen directly by the police. Speeding. Running red lights. Illegal fireworks. All can be equally deadly.

I have friends who are animal care-givers. They rescue, foster, adopt, and love cats and dogs that are abandoned at the beach, tied up to fence posts, thrown out of moving cars, left in dumpsters. These people give their time, money, energy and heart to the animals. No matter how many animals you have it still breaks your heart when one dies. Especially if it is because of a senseless, illegal act.

Markie was rescued along with his female companion and their puppies; they had all been dumped at a graveyard in Pearl City right before a major storm. Once old enough, the puppies were quickly adopted. Markie was shy, but adorable and plans were being made to find him a loving home. A few days before New Year's Eve, one too many firecracker bombs went off. Terrified, Markie got into a fight with another, equally terrified, dog. Markie did not survive. We cannot and do not blame the other dog, it wasn't his fault. The unpredictability of the firecrackers, especially the bombs, terrifies and traumatizes the innocent animals that have no place to hide.

Knowing that there will be firecrackers at a specific time on a specific night is something that can be planned for; the animals can be sedated if necessary, they can be kenneled and sheltered. It is not the ideal situation, but it is livable and workable.

If we cannot ban firecrackers totally, at least give the police the tools they need that will help them enforce the current law. How many more innocent lives do we need to lose?

My name is Celeste Kato and I can be contacted at ckato1@aol.com.

HB-1172-SD-1

Submitted on: 3/13/2018 10:24:59 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gillian Stetekluh	Individual	Support	No

Comments:

I stand strongly in support of HB 1172. Illegal fireworks/aerials cause undue and prolonged suffering every year. I have personally experienced nights where fireworks were going off for hours on end. Not only is it a nuisance but it can cause extreme distress to individuals with PTSD (many that are veterans) and to pets. Please pass HB 1172 to improve the lives of everyone in Hawaii but especially those most vulnerable.

HB-1172-SD-1

Submitted on: 3/14/2018 9:36:59 AM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Phyllis	Individual	Support	No

Comments:

Owner of a sweet natured pit-bull mix. She's terrified of fireworks. Prescribed meds for anxiety by her vet but still shook from afternoon to night (yes people started fireworks during the DAY). Shaking was intensify through the day and night when fireworks progressively increased. This also disrupted her routine of her 2x daily walk to use the bathroom outside our house due to her fear of noise and therefore refused to go outside and walk. Also, pushing the bill so far down in 2050 only shows little concern for the people with pets NOW, since the majority of the pets will not be around to see ANY benefits if this bill passes. Please be thoughtful of ALL who live on this aina. Mahalo for your time and consideration. Sincerely.

HB-1172-SD-1

Submitted on: 3/13/2018 10:19:27 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jackie G	Individual	Support	No

Comments:

Every year, my dogs have to suffer due to the illegal fireworks going off in my community. My dogs are so scared. They do everything to try and get away from them. It's not fair, that I have to tranquilize my dogs and make them suffer through something that is illegal. I have one dog who I can't tranquilize due to her health condition. Please help reduce illegal fireworks...please support this bill. Entertainment does not trump quality of life.

HB-1172-SD-1

Submitted on: 3/13/2018 5:36:03 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

Please accept this in strong support. We must stop illegal fireworks, the fires, the injuries, the property damage, the non-stop loud noise worse at times than weapons of war. The public has suffered for years so some people can get their jollies. Please pass this bill.

lynne matusow

HB-1172-SD-1

Submitted on: 3/13/2018 10:14:19 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Perry	Individual	Support	No

Comments:

I am tired of the three ring circus that illegal fireworks have made of our peaceful residential neighborhoods. It is time for harsher punishment for those who flagrantly break the laws. Please pass this bill.

HB-1172-SD-1

Submitted on: 3/14/2018 5:01:50 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Helene P Navaro	Individual	Support	No

Comments:

Strongly support HB 1172. Thank you!

HB-1172-SD-1

Submitted on: 3/14/2018 5:13:08 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alexandrian Tse	Individual	Support	No

Comments:



improving the quality of lives of pets and their people.

Testimony by Alicia Maluafiti, Board President
Poi Dogs & Popoki

In strong support of HB 1172 HD 2 SD 1 - Relating to Fireworks

Senate Committee on Judiciary
Thursday, March 16, 9:30 am, Rm. 016

Aloha Chair Taniguchi and members of the Committee,

Poi Dogs & Popoki (PDP) is a nonprofit animal welfare organization with a mission to help people and their pets. We are in strong support of HB 1172 because we believe it will make property owners think twice about whether to allow illegal fireworks on their property or be held legally responsible for allowing the activity. The biggest problem with the current law is that we know WHERE the illegals are originating from, but do NOT know who is lighting the fuse. Therefore HPD does nothing.

Illegal fireworks – both aeriels and other legal fireworks used illegally (prior to New Year’s Eve) – start in Ewa Beach on Halloween. By Thanksgiving Day, it’s a daily occurrence. And well in February, we still have illegals after football games and/or boxing or MMA fights. It is difficult for people to grasp the fear and stress that some animals experience due to fireworks. Unless you are seeing it first hand, you will fail to understand the chaos it causes in the lives of our animals and their owners.

For the past 3 years, I have called HPD repeatedly to report my neighbors who set off illegal aeriels throughout the year. I even had video. And each time that they bothered to show up (which was a 50/50 chance), I got a different response from the officer but most often it had to do with the fact that THEY – the HPD – had to see firsthand the violation before they could make an arrest. And more recently, the only thing they would do was give a warning. They did NOT always show up. But I continued to take the video.

2016 was the worst...2017 not far behind. Bombs every night for 2 months. Day and night. 5 am. 5 pm. Midnight. It was painful and sad to see the animals (all rescues) – with fear in their eyes, panting out of control, and able to climb 6 foot fences just to run, to get away, to hide. Even with medication similar to Xanax, they had no relief. For three weekends leading up to New Years, I resorted to full-on sedation of the largest dogs. All of these “solutions” come with risks. And all of them cost money. I spent over \$500 just to treat the animals. And it still didn’t help on most nights. On New Years Eve, I drove the circuit of Fort Weaver and Ewa Beach Roads (a loop) and saw at least 10 “parties” with people setting off illegal aeriels in the middle of the road. I had to literally stop my vehicle and wait for them to finish lighting the fireworks. Any officer could have made an arrest that night. But none did. The fireworks went on till 4:30 am. They started again at 5:30 am and went all day.

In Ewa Beach, I had to put up with fireworks through the second week of January including the national football championship. And then again on Chinese New Year. And again on Superbowl Sunday. The last bomb went off at 8:30 pm. I could hear it discharge from its container – it was that close. And then the bomb – so loud it rattled the windows. And then my 100 pound mastiff scaled the 6 foot fence of his dog run, panting like it was 120 degrees.

When animals are scared, they are capable of anything. And sadly – this mastiff was so scared that 10 days before Christmas, after a series of bombs, he scaled the fence and killed one of my smaller dogs. Markie was in emergency care for 5 days before I had to euthanize him. It cost me \$12,000.

Today – we all have cell phones that take pictures and videos. In fact – you can find a video of Ewa Beach on New Year's Eve. We need HB 1172 because it at least provides HPD with the tools to make the arrest and hopefully – make a conviction. At a minimum – I understand that the bail is \$2,000 in Weed and Seed districts. We need relief.

And please – I am tired of the “its da cultcha” argument. My family has homestead in Papakolea so I know all about popping fireworks on New Year's Eve. But I am older. And wiser (I think). And a lot more compassionate about the people and animals around me. Fireworks are out of control. And while our legislative bodies lack the political will to ban all fireworks (both state and county), please at least give us (and HPD) the tools to fight fire with fire. And that is – if my neighbors decide to use illegal fireworks, then they need to pay the consequences. At this point in my life – I have nothing to loose. And nothing to fear. Except another horrible year of illegal fireworks.

Entertainment does NOT trump quality of life. Please pass HB 1172.

HB-1172-SD-1

Submitted on: 3/14/2018 7:07:21 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patrice Tanna	Individual	Support	No

Comments:

HB-1172-SD-1

Submitted on: 3/14/2018 8:07:47 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
gerraine	Individual	Support	No

Comments:

Not only terrified animals suffer greatly from illegal fireworks...their owners AND VOTERS suffer trying to contain them. The bombs have gotten out of hand because of our lax laws. The fireworks lawbreakers LAUGH at authority knowing nothing can be done.

Please protect the lawabiding citizens and go after the lawbreakers with huge fines and give HPD powers to arrest them according to law.

The neighbor islands do not have the problems of Oahu. You are responsible for protecting the rights of your lawabiding constituents.

Animals can't vote, but their owners DO, and there are more of us than the bomb blasters.

Gerraine Maehara Santos

HB-1172-SD-1

Submitted on: 3/14/2018 10:07:21 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cisco Johnson	Individual	Support	No

Comments:

This bill will go a long way in establishing peace for citizens, give respect in communities, and provide a method for eye witness and digital footage of violators. And to some that dont want to confront violators and risk a physical altercations.

Please pass this bill.

HB-1172-SD-1

Submitted on: 3/14/2018 10:07:50 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael C Findley	Individual	Support	No

Comments:

Re: Support HB1172 HD1 SD1

Dear Chair Taniguchi and the members of the Senate Judiciary Committee:

My name is Michael C. Findley. I am a resident of Makakilo, and I am submitting this testimony in support of HB1172 HD1 SD1. Fireworks present safety hazards to those untrained in their proper handling, as well as to those who may be in the vicinity of their use, either knowingly or not. Fireworks also can cause damage to personal property such as roofs and vehicles. Further, illegal fireworks represent a nuisance from loud noise, and litter from the residue of expended explosives becomes an unsightly mess that illegal fireworks users often leave for someone else to clean up so that the residue does not wash into our drainage system and potentially pollute our local ocean environment. Fireworks are best handled by professional pyrotechnicians to mitigate or eliminate all of these hazards and problems. Passing HB1172 HD2 SD1 will help to discourage unqualified persons from using fireworks illegally by making it easier to catch them in the act and document their violations of the law.

The problem of illegal fireworks is widespread, and the law as currently written does not enable law enforcement officers to respond effectively to the problem. This bill will help give law enforcement the tools they need to prosecute those breaking the law by allowing individuals to photograph or videotape any illegal activity as it pertains to illegal fireworks, and by allowing law enforcement to use these photographs or video as probable cause to make investigations and arrests. In essence, it allows neighborhoods to become more self-policing, which is necessary because the odds are very low that a police officer happens to be nearby to witness perpetrators setting off illegal fireworks. HB1172 also will hold property owners liable if they knowingly allow an individual to handle or use illegal fireworks on that owner's property. This will incentivize property owners to refuse to permit illegal firework activity on their property.

I respectfully request that you pass out HB1172 HD1 SD1 to help mitigate the illegal fireworks problem. Please pass this measure to empower private citizens to collect relevant evidence that can help our local law enforcement officers to discourage and reduce the use of illegal fireworks in our neighborhoods.

Thank you for your consideration.

Michael C. Findley

92-323 Kewai Place

Kapolei, HI 96707-2803

HB-1172-SD-1

Submitted on: 3/14/2018 11:02:21 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carm Akim	Individual	Support	No

Comments:

Re: Support HB1172 HD1 SD1

Dear Chair Taniguchi and the members of the Senate Judiciary Committee:

My name is Carm Akim, I am submitting this testimony in strong support of HB1172 HD1 SD1. As a registered nurse, SAFETY is the priority when I am taking care of my clients. I believe that illegal fireworks post high risks for fire causing property damage and most importantly, burn injury and death to people in our community. The problem of illegal fireworks is so pervasive now that something must be done. This bill will help give law enforcement the tools they need to prosecute those breaking the law by allowing individuals to videotape any illegal activity as it pertains to illegal fireworks and for law enforcement to utilize the video in making arrests. In essence, it allows neighbors "to police each other," particularly as police officers are never actually present when perpetrators are setting off illegal fireworks. This bill will also hold property owners liable if an individual is engaged in illegal fireworks on that owner's property. This will incentivize property owners to ensure that no illegal firework activity occurs on their property. I humbly ask that you pass HB1172 HD1 SD1 to help deal with the illegal fireworks problem.

Thank you for your consideration.
Akim Ohana of Makakilo

HB-1172-SD-1

Submitted on: 3/15/2018 7:19:01 AM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis Tingey	Individual	Support	No

Comments:

RE: Support HB 1172 HD1 SD1

Dear Chair Taniguchi and members of the Senate Judiciary Committee:

Our names are Dennis and Edith Tingey and we are submitting this testimony in strong support of HB1172 HD1 SD1. The problem of illegal fireworks is so pervasive and dangerous now that something effective must be done. This bill will aid law enforcement officers the tools they need to cite and prosecute those breaking the law by allowing complainants to submit videos of offenses. It will also hold property owners liable for their illegal actions and the actions of their guests.

We request that you support and pass through the subject house bill to help stop the use blatant use of illegal aerial fireworks.

Dennis & Edith Tingey

92-1299 Pueonani St

Kapolei, HI

HB-1172-SD-1

Submitted on: 3/15/2018 8:39:03 AM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Homelani Schaedel	Individual	Support	No

Comments:

Imagine sitting in your garage, reading a book, smoking a cigar, enjoying the evening breeze and all of a sudden BOOM! Watching your favorite program on TV, or just an evening walk...BOOM...BOOM...BOOM. This all starts from the beginning of November through the week after New Years'. The problem is, you never know when it's going to happen.

For someone who serve two (2) tours in Vietnam and was deployed at the onset of Desert Storm, and another who was deployed to Iraq, and another who was deployed to Iraq and Kuwait, these unexpected bursts of one (1) second have a far lasting effect.

For my husband and sons, it causes anxiety and anger. With my husband, it often triggers sleepless nights, unwanted memories or nightmares of his time in Vietnam. Many of our veterans in Hawaii suffer from PTSD, and I'm sure they too have the same or similar experiences.

As a wife and mother, it upsets me to see to my husband and sons go through or deal with the aftermath. So much so, that I've looked out my upstairs window, wait until another BOMB goes off, identify the direction, if it is near my home, go to the location and ask the people at the residence to stop setting off illegal fireworks. So, I would not have a problem being a witness as this bill proposes.

Even when HPD is called, by the time they get to the site, the people stop and wait till they leave, then start again. Existing laws relating to the purchase and use of illegal fireworks is quite frankly and according to HPD officers not enforceable. So, what's the point of having laws that cannot be enforced?

While I believe stopping the influx of illegal fireworks should be done at point of entry, we often hear there's no money to support additional resources. So where do the fees collected for the fireworks permit go to? It was estimated that over \$240,000.00 was collected for this pass New Year. That sum could potentially be used to support at minimum four (4) positions to check the containers coming into our ports. Some may say that's not enough, but it is a start!

Or, perhaps we need to look at just allowing firecrackers for cultural practices and banning everything else except for controlled public display by the professionals.

Meanwhile, I strongly support this bill as a first step in addressing this problem and hope you will too. Mahalo for the opportunity to present my testimony.

Homelani Schaedel

91-1016 Koanimakani St.

Kapolei, HI 96707

HB-1172-SD-1

Submitted on: 3/15/2018 9:46:44 AM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy DeVault	Individual	Support	No

Comments:

My name is Wendy DeVault and I am submitting this testimony in strong support of HB1172HD1SD1. The problem of illegal fireworks is so pervasive now that something must be done. This bill will help give law enforcement the tools they need to prosecute those breaking the law by allowing individuals to videotape any illegal activity as it pertains to illegal fireworks and for law enforcement to utilize the video in making arrests. In essence, it allows neighbors "to police each other" particularly as police officers are never actually present when perpetrators are setting off illegal fireworks. This bill will also hold property owners liable if an individual is engaged in illegal fireworks on that owner's property.

I further would recommend that they not be allowed to be sold on island. They are "illegal" I believe that word should mean something.

Please consider passing a law that will help deal with this illegal fireworks problem.

Thank you for your consideration,

Wendy DeVault

92-960 Makakilo Dr.

Kapolei, HI 96707

HB-1172-SD-1

Submitted on: 3/15/2018 10:00:09 AM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Lanton	Individual	Support	No

Comments:

It is clear that the previous restrictions on fireworks have not remedied the ills they were intended to address. On the 4th of July, Christmas, and New Years, persons in the Makakilo area (specifically Wai Kalo) disregarded both the time and type restrictions on fireworks usage, employing the devices both throughout the day and into the early hours of the morning for a week to the right and left of these holidays. Moreover, persons also utilized illegal "mortar" type fireworks, distinguishable by the unique "boom" upon detonation. The effects of this behavior on myself and my family cannot be understated. Both my wife and I are veterans and have spent the past decade in war zones, the incessant gunfire and explosion like effect of the fireworks prohibited any type of enjoyment of the holidays. The noise further traumatized our two dogs to the point that they needed medication. We phoned the Honolulu Police Department on multiple occasions seeking relief, but to no avail. We even observed a squad car parked at the end of Makakilo Drive appearing to join in the "festivities". We much appreciate the change this Bill will bring to the holidays and greatly appreciate your consideration on this measure.

HB-1172-SD-1

Submitted on: 3/15/2018 10:13:24 AM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
LINDA SCHOONOVER	Individual	Support	No

Comments:

I support this bill because these fireworks have gotten out of hand. Many end up using illegal fireworks in our neighborhoods which is extremely dangerous. Not to mention, individuals are making their homemade fireworks causing endangerment to our neighborhoods. I also feel that these fireworks cause extreme harm to our Military individuals suffering from PTSD. More strict enforcement and fines even possible jail time should be implemented. HPD should rely on social media to help catching these individuals breaking the law. Neighbors should also feel unthreatened having to turn in the ones doing this as well.

HB-1172-SD-1

Submitted on: 3/15/2018 10:58:36 AM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Janice Uga	Individual	Support	No

Comments:

HB-1172-SD-1

Submitted on: 3/15/2018 11:09:31 AM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Loo-McDowell	Individual	Support	No

Comments:

I agree that hte property owner should be liable for any possession or detination of fire works, but the language stating that "the property owner knowingly allows the individual" seems like a loop hole. The home owner could state that they did not know...

I also think that this bill should include penalties for possesion of any illegal fireworks.

This past new year's eve was just like new year eves before the fireworks became illegal. With the number of fireworks that were in the sky, it was hard to believe that it was illegal. It is very disturbing to have the windows shake and the animals terrified every few minutes. Enough is enough. Please take some action to stop the air and noise pollution.

HB-1172-SD-1

Submitted on: 3/15/2018 2:05:43 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jan Gaffney	Individual	Support	No

Comments:

Our family live on Wainohia St. in Makakilo and are surrounded by legal and illegal fireworks several times a year. New Years ones start about the end of October each year and are on and off until way into the new year.

I have a husband that has dementia and gets very upset when the fireworks occur.

I also have a 12 year old dog that, even with the maximum prescribed dose of tranquilizer for her from her vet, and wearing a thunder shirt gets very upset when these fireworks occur.

I also am affected as the caregiver for my husband and dog.

It is bad enough to go thru the legal fireworks on the date and times allowed by law but to endure them for months is too much.

I am asking you to support this bill and to put it into effect sooner that 2050.

Mahalo for your support,

Jan Gaffney

Senator Brian T. Taniguchi, Chair
Senator Karl Rhoads, Vice Chair
Senate Committee on Judiciary

Testimony of Jame K. Schaedel

Friday, March 16, 2018

Support for House Bill No. 1172, H.D. 2, S.D. 1 – Relating to Fireworks

WRITTEN TESTIMONY ONLY

Thank you for the opportunity to offer testimony in **support** for House Bill No. 1172, H.D. 2, S.D. 1. This draft of the bill will allow law enforcement officers to establish probable cause for fireworks offenses based on statements from witnesses, photographs, video, and other recordings authenticated by witnesses. This bill also provides a new liability provision for property owners who knowingly allow other individuals to detonate fireworks on their property.

I offer this testimony as a private citizen.

There have been many amendments to the Fireworks Control Law (FCL), Chapter 132D, Hawai‘i Revised Statutes. However, individuals continue to irresponsibly detonate aerial devices and articles pyrotechnic in dense residential communities. Thus, the current FCL fails to provide law enforcement agencies with the ability to effectively enforce the provisions of the FCL.

The beginning of “fireworks season” fluctuates between Halloween and Thanksgiving Day, and continued for a week or two after New Year’s Day in my Kapolei neighborhood in 2016-2017. In 2017-2018, the season started later in the year and finished earlier. At its worst, imagine loud, unanticipated explosions which shake the windows of a Mānoa Valley home every hour, for 3-4 hours, every single night for 30 or more days straight with the grand finale on New Year’s Eve.

I served in our nation’s armed forces in the United States Army Reserve and the Hawai‘i Army National Guard for nearly a decade. I was deployed overseas and returned from Operation Iraqi Freedom 08-09 in September 2009, but I was not prepared for what awaited me later in the year. I write as a veteran, but not on behalf of other veterans because they have their own unique opinions and experiences.

In the beginning, the bright flashes of light and detonations were unexpected and I responded accordingly based on my training from the military. I distinctly remember leaving the Capitol late one evening because I was preparing for the Regular Session of 2010. I was driving on the H-1 freeway near the Middle Street split when I observed a bright flash of light, heard a loud explosion, and thought it was an Improvised Explosive Device (IED). It took me nearly a minute to calm

down and realize that I was at home in Hawai'i and safe. Thankfully, I have been able to adapt to and anticipate fireworks detonations over the past couple of years.

Unfortunately, there are many veterans afflicted with Post Traumatic Stress Disorder (PTSD), and they are unable to adapt to and anticipate fireworks detonations. Each veteran reacts to these detonations in their own way. Some veterans jump out of their living room chair, some say expletives, and others drop to the ground. An unexpected detonation startled me in December 2016 while I was watching television at home and made me jump out of my chair. However, it saddens me to observe this kind of reaction and more, tenfold, from my father nearly every single time an irresponsible individual detonates an aerial device in my Kapolei neighborhood.

Aerial devices have also been getting louder and stronger over the past couple of years. I am able to anticipate most aerial devices because the initial shot sounds like it originated from a mortar tube. The biggest difference is that aerial devices are louder and shake the house more often than not. Veterans, like my father, residing in dense residential communities should not have to cope with these traumatic experiences within the confines and safety of their own homes.

I respect that firecrackers and fireworks are a distinct part of culture in Hawai'i. Every friend I know from Hawai'i grew up with firecrackers, bottle rockets, jumping jacks, and watching uncle light an aerial device into the night sky. Families join together at homes, parks, and other locations to celebrate the approaching New Year. I am not opposed to aerial devices and articles pyrotechnic during Independence Day, New Year's Eve and Day, and Chinese New Year. However, multiple detonations, every evening, over the course of 30 days or more can no longer be tolerated in dense residential communities.

Furthermore, I have observed professional fireworks companies prepare professional fireworks shows which require approval from various local, state, and federal regulatory agencies. A 24 hour fire watch is also maintained once the fireworks arrive due to amount of explosive material being stored in a single area or vehicle because of the hazard it poses. While professional companies store their fireworks in bunkers, irresponsible property owners store vast amounts of fireworks in their homes which places them, their family, and their neighbors at risk.

I believe this draft of the bill will allow law enforcement agencies and their officers to effectively enforce the Fireworks Control Law, and I implore you to pass this bill, un-amended, with a recommendation for passage on Third Reading.

Respectfully,

Jame K. Schaedel

HB-1172-SD-1

Submitted on: 3/15/2018 6:10:30 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Skyla Hammond	Individual	Support	No

Comments:

I support this bill for multiple reasons. First, enforcement of this rule would lessen the burden on our hard-working first responders who must respond to numerous fireworks related injury and fire calls. It would also lessen the burden on hospital emergency departments on whom falls the burden of caring for these injuries. It would potentially save lives by reducing the incidence of fireworks related deaths.

In addition to the monetary and physical costs of illegal fireworks, it is important to also consider the emotional and mental health impact. Hundreds of active duty military and veterans call our islands their home. Many of them suffer the impact of having served their country in war zones. My own son served in Afghanistan, and was home visiting at New Year's a few years ago. Someone in our Wai'anae neighborhood set off an illegal firework that sounded like a bomb, which caused my son great distress. As a National Certified Counselor, I hear stories of other veterans who also struggle. One told me of driving on the H1 freeway and having an aerial firework hit his van. This triggered a flashback, and he was yelling at his family in the van, "Get down! Get down!" He told me they nearly had an accident. This is just one story of many.

Finally, there is the toll on our beloved companion animals. Every year, countless dogs and cats are traumatized by the noise of fireworks, and many run away in response to their instinctive fight or flight mechanism. Many never return home. I personally also suffer from PTSD, but I have learned that if I can keep myself calm, my beloved cats take their cue from me and are able to stay relatively calm. I honestly have to admit that, while I can do this, it costs me physically and emotionally, given my own journey with PTSD.

Thank you for taking the time to read this. It is my sincere hope that you will vote in favor of this bill.

HB-1172-SD-1

Submitted on: 3/15/2018 6:44:58 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Alexis E. Jamison	Individual	Support	No

Comments:

Every year, humans and animals alike suffer due to the sheer amount of illegal fireworks present in Hawaii. Before New Year's Eve, one can expect months of illegal fireworks leading up to the holiday, with no rhyme or reason for when they will be set off. This is traumatizing for babies, seniors, veterans, anyone with PTSD, and animals. This problem must be controlled and people who allow this illegal behavior to be conducted on their property must be held accountable.

In recent years, illegal fireworks have increased greatly in my neighborhood. I have lived in Hawaii for 14 years and in Mililani Mauka for 11 years. Previously, there were no illegal bombs going off. Now, I hear them in the weeks leading up to, the day of New Year's Eve, and the day after. They also have been setting them off for Chinese New Year and for Independence Day. I have two dogs, one of which has trauma from having been abused as a puppy (which lead to the amputation of one of her back legs). She shakes uncontrollably, loses her bladder, and is impossible to comfort during these times. In order to deal with this and make her comfortable, she has to be sedated. I know hundreds of dogs and other animals (cats are impacted as well) that have to be drugged just to survive this time of the year.

Please pass this bill, help stop illegal fireworks, and help protect the state's humans and animals from their impact.

LATE

HB-1172-SD-1

Submitted on: 3/15/2018 7:32:34 PM

Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shawne Schmidt	Individual	Support	No

Comments:

I support this bill for multiple reasons. First, enforcement of this rule would lessen the burden on our hard-working first responders who must respond to numerous fireworks related injury and fire calls. It would also lessen the burden on hospital emergency departments on whom falls the burden of caring for these injuries. It would potentially save lives by reducing the incidence of fireworks related deaths.

In addition to the monetary and physical costs of illegal fireworks, it is important to also consider the emotional and mental health impact. Hundreds of active duty military and veterans call our islands their home. Many of them suffer the impact of having served their country in war zones. My own son served in Afghanistan, and was home visiting at New Year's a few years ago. Someone in our Wai'anae neighborhood set off an illegal firework that sounded like a bomb, which caused my son great distress. As a National Certified Counselor, I hear stories of other veterans who also struggle. One told me of driving on the H1 freeway and having an aerial firework hit his van. This triggered a flashback, and he was yelling at his family in the van, "Get down! Get down!" He told me they nearly had an accident. This is just one story of many.

Finally, there is the toll on our beloved companion animals. Every year, countless dogs and cats are traumatized by the noise of fireworks, and many run away in response to their instinctive fight or flight mechanism. Many never return home. I personally also suffer from PTSD, but I have learned that if I can keep myself calm, my beloved cats take their cue from me and are able to stay relatively calm. I honestly have to admit that, while I can do this, it costs me physically and emotionally, given my own journey with PTSD.

Thank you for taking the time to read this. It is my sincere hope that you will vote in favor of this bill.

LATE

HB-1172-SD-1

Submitted on: 3/15/2018 9:01:48 PM
Testimony for JDC on 3/16/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Karen Tyson	Individual	Support	No

Comments:

As a clinical psychologist I work with patients who suffer from PTSD, Autism and Anxiety based disorders. Illegal fireworks are psychologically harmful due to the loud and unpredictable noise, close proximity and magnitude of the blast. Additionally, countless pets are traumatized often resulting in death and further anxiety to owners trying to control the exposure.

My primary concern is the negative impact these illegal fireworks have on children with autism and individuals with PTSD, I see many patients with increased anxiety as these holidays approach and many must increase medications and find ways to manage the unpredictable stress and anxiety brought by such events.

By holding property owners liable and allowing video evidence or witness accounts the illegal fireworks will likely be reduced thus bring some peace to those individuals with mental health conditions beyond their control.

I support this bill as a clinical psychologist and a citizen of Hawaii.

Dr. Karen Tyson

HB-1172-SD-1

Submitted on: 3/16/2018 6:12:28 AM

Testimony for JDC on 3/16/2018 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
pauline	Individual	Support	No

Comments:

Please help reduce illegal fireworks usage that scares the living daylights out of people and animals. I love the pretty fireworks BUT some of the big ones in our Kalama Valley neighborhood and from the ridge above sound like bombs. I think the strings of fireworks are fine--but the big bombs that require a launching pad should be outlawed in neighborhoods, for safety of people and animals alike.