
A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. Chapter 132D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§132D- Liability of property owner. A property owner
5 who recklessly allows an individual to possess, set off, ignite,
6 or otherwise cause to explode any aerial device while on the
7 owner's property shall be deemed to be in violation of this
8 chapter and shall be subject to the penalties specified in
9 section 132D-14(a)(2)."

10 SECTION 2. Section 132D-20, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§132D-20 Enforcement[-]; probable cause for arrest. (a)
13 This chapter shall be enforced by each county. The counties are
14 authorized to enforce and administer the provisions of this
15 chapter.

16 (b) Arrests for offenses under this chapter or under a
17 county fireworks ordinance shall be made in compliance with



1 chapter 803. The facts and circumstances to establish probable
2 cause for an arrest may include but are not limited to:

3 (1) Statements from individuals who witnessed the offense,
4 even if those individuals are not law enforcement
5 officers; and

6 (2) Photographs, video recordings, or other recordings,
7 that show the commission of the offense and can be
8 authenticated by one or more witnesses; provided that
9 a recording made using an unmanned aerial vehicle
10 shall be exempt from the requirement of authentication
11 by one or more witnesses.

12 For the purpose of this section:

13 "Other recording" includes any photograph or a video made
14 using an unmanned aerial vehicle.

15 "Unmanned aerial vehicle" means any aerial vehicle that is
16 operated without the possibility of direct human intervention
17 within or on the aerial vehicle. The term "unmanned aerial
18 vehicle" does not include a remote-controlled airplane."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Fireworks; Property Owner Liability; Arrests; Probable Cause

Description:

Establishes property owner liability for illegal aerial devices possessed or set off on their property by others. Clarifies that probable cause for arrest for fireworks offenses may be based on statements from witnesses and photographs, video, and other recordings authenticated by witnesses, and established through the use of unmanned aerial vehicles. (HB89 HD1)

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