
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 homeowner, renter, or person
5 otherwise responsible for real property. A homeowner, renter,
6 or person otherwise responsible for the real property in
7 question who intentionally, knowingly, or recklessly allows an
8 individual to possess, set off, ignite, or otherwise cause to
9 explode any aerial device while on the real property shall be
10 deemed to be in violation of this chapter and shall be subject
11 to the penalties specified in section 132D-14(a)(2)."

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

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



1 (b) Arrests for offenses under this chapter or under a
2 county fireworks ordinance shall be made in compliance with
3 chapter 803. The facts and circumstances to establish probable
4 cause for an arrest may include but are not limited to:

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

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

14 For the purposes of this subsection:

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

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



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

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 Statutory material to be repealed is bracketed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

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



Report Title:

Fireworks; Property Liability; Arrests; Probable Cause

Description:

Establishes liability for a person who is responsible for real property and allows an individual to possess or set off illegal aerial devices on the real property. Clarifies that probable cause for arrest for fireworks offenses may be based on statements from witnesses and photographs, video, and other recordings. (HB89 HD2)

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