

STAND. COM. REP. NO.

1170

Honolulu, Hawaii

, 2019

MAR 01

RE: H.B. No. 89

H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 89, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

begs leave to report as follows:

The purpose of this measure is to safeguard the public from illegal fireworks by:

- (1) Establishing criminal liability for property owners who recklessly allow others to possess, set off, ignite, or otherwise cause to explode any aerial device while on their property; and
- (2) Clarifying that probable cause for arrest for fireworks offenses may be:
 - (A) Based on statements from witnesses and photographs, video recordings, and other recordings authenticated by witnesses; and
 - (B) Established through recordings made by unmanned aerial vehicles without the requirement for authentication.



The Hawaii State Fire Council, Honolulu Fire Department, Honolulu Police Department, Animal Rights Hawai'i, and several individuals testified in support of this measure. An individual testified in opposition to this measure. The Department of the Attorney General provided comments.

Your Committee has amended this measure by:

- (1) Expanding the liability to a homeowner, renter, or person otherwise responsible for the real property in question;
- (2) Clarifying the state of mind element to include intentionally, knowingly, or recklessly allowing an individual to possess, set off, ignite, or otherwise cause to explode any aerial device while on the real 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 89, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 89, H.D. 2.

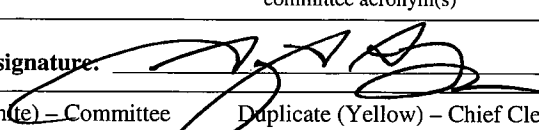
Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



CHRIS LEE, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: H089 HD1	Committee Referral: PVM, JUD	Date: 2/20/19		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom	/			
4. CREAGAN, Richard P.	/			
5. LOWEN, Nicole E.	/			
6. McKELVEY, Angus L.K.				/
7. MORIKAWA, Dee	/			
8. SAY, Calvin K.Y.			/	
9. TAKAYAMA, Gregg	/			
10. YAMANE, Ryan I.				/
11. THIELEN, Cynthia	/			
TOTAL (11)	8		1	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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				