

JAN 18 2019

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# 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 knowingly 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."

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

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 Statutory material to be repealed is bracketed  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

14 SECTION 5. This Act shall take effect upon its approval.

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# S.B. NO. 973

**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.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

