



The Judiciary, State of Hawai'i

Testimony to the Thirty-First Legislature, 2021 Regular Session

House Committee on Judiciary and Hawaiian Affairs

Representative Mark M. Nakashima, Chair

Representative Scot Z. Matayoshi, Vice Chair

Tuesday, March 23, 2021, 2:00 p.m.
State Capitol, Conference Room 325
VIA VIDEOCONFERENCE

WRITTEN TESTIMONY ONLY

by:

Mark M. Santoki

Acting Deputy Chief Court Administrator

First Circuit

Bill No. and Title: Senate Bill No. 513, S.D. 1, H.D. 1, Relating to the Enforcement of Laws.

Purpose: Establishes an expeditious adjudication system for the processing of fireworks infractions. Increases the fireworks display permit fee from \$110 to \$150 and the fine for certain fireworks violations from \$2,000 per violation to \$5,000 per violation. Clarifies that each aerial device, display firework, or article pyrotechnic having a total weight of twenty-five pounds or less that is illegally imported, transferred, or sold constitutes a separate violation. Increases the penalty for removing or extracting the pyrotechnic contents. Authorizes the sheriff division to enforce the fireworks control law. Requires the attorney general to establish an explosion detection technology working group. Requires the department of public safety to develop and implement a web-based fireworks reporting tool. Appropriates funds. Effective 5/6/2137.

Judiciary's Position:

The Judiciary takes NO POSITION on the intent of this measure. To avoid any unintended consequences the Judiciary is seeking clarification on the following issues.

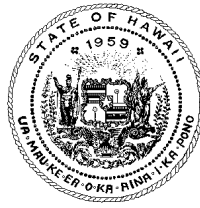
In order for the Judiciary to expediently process fireworks violations it is important that the fine be a set amount. On page 39, line 9, section 132D-14(b) would be amended to allow for a fine of “no more than \$5,000.” If the intention as stated in the purpose section is for the fine for all fireworks infractions to be \$5,000, the Judiciary would suggest deleting “no more than” from this sentence to avoid any confusion. Further, page 39, line 12-13 indicates that a violation of section 132D-14.5 “shall be fined at least \$500 and no more than \$2,000.” Without a set fine, the defendant would not be able to pay online, as the court will need to determine the fine amount at a hearing. However, the Judiciary is concerned that a firework violation with such a high amount would be contested and the benefits of an infraction would not be realized.

The Judiciary is concerned that the measure may not adequately establish which statutes within Chapter 132D are to be treated as fireworks infractions. Section 291D-9(b), Hawaii Revised Statutes prescribes that monetary assessments for traffic infractions correspond to the traffic infraction schedule. As there is no schedule of prescribed fireworks infractions within section 132D-14, the Judiciary would like to suggest a further technical amendment to section 132D-14(b) of the bill to insert language to indicate that the firework infraction applies to those sections of chapter 132D that are not felonies or misdemeanors.

“(b) Except as provided in subsection (a) or as otherwise specifically provided for in this chapter **as a felony or misdemeanor**, any person violating any other provision of this chapter,.....”

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

MAX N. OTANI
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Tommy Johnson
Deputy Director
Corrections

Jordan Lowe
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 513, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO ENFORCEMENT OF LAWS.

By
Max N. Otani, Director

House Committee on Judiciary and Hawaii Affairs
Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

Tuesday, March 23, 2021; 2:00 p.m.
Via Video Conference

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The Department of Public Safety (PSD) offers comments on Senate Bill (SB) 513, Senate Draft (SD) 1, House Draft (HD) 1, which would increase the fireworks display permit fees and increase the maximum fines for fireworks violations. It further creates a separate criminal offense for the illegal sales of certain display fireworks, aerial devices, and pyrotechnic articles, and increases the penalty for removing or extracting the pyrotechnic contents. In addition, the measure requires that the Department of Attorney General establish an explosion detection technology working group, and that PSD develop and implement a web-based firework reporting tool and further, authorizes the Sheriffs Division to enforce and assist the counties in the enforcement of fireworks control law.

The Department supports the implementation of a program to disrupt the flow of illegal fireworks into the State of Hawaii, including increased fees and penalties to deter the illegal use of fireworks and enhanced enforcement by the Sheriffs Division. However, PSD notes the inherent dangers in the improper handling and removal of explosives materials from fireworks that would be included as a part of enforcement's responsibilities and respectfully suggests that

the measure be amended to appropriate sufficient funds for a viable enforcement program.

To complete this mission and achieve the desired results, the Department will require authorization to hire and train five (5) law enforcement officers (LEO) in the detection, safe handling, and disposal of explosive materials. These LEOs must also be trained in the recognition and classification of consumer fireworks (Department of Transportation (DOT) classification 1.4) and display fireworks (DOT classification 1.3). An additional explosive detection canine and handler will also be required.

It will also be necessary for PSD to develop a shipping container inspection program and be given authorization to review domestic and foreign shipping manifests to narrow the scope of shipping containers to be inspected. In addition to National Guard assets, PSD shall coordinate with the U.S. Coast Guard Service, the federal Consumer Product Safety Commission, State of Hawaii DOT Harbors Division, and the U.S. Department of Homeland Security.

Appropriations of approximately \$950,000 per year must be allocated to PSD for the effective detection, safe storage, and disposal of illegal fireworks.

Appropriations of approximately \$150,000 per year must be allocated to PSD for the development and maintenance of the web-based fireworks reporting system.

Thank you for the opportunity to present this testimony.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

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March 22, 2021

The Honorable Mark Nakashima, Chair
Committee on Judiciary and Hawaiian Affairs
House of Representatives
State Capitol, Room 432
Honolulu, Hawaii 96813

Dear Chair Nakashima:

Subject: Senate Bill (SB) 513, Senate Draft (SD) 1, House Draft (HD) 1
Relating to the Enforcement of Laws

I am Steven Goble, Vice Chair of the Hawaii State Fire Council (SFC). The SFC supports SB 513, SD 1, HD 1, which proposes to increase fireworks display permit fees, increase fines for certain fireworks violations, require the Attorney General to establish an explosion detection technology working group, and require the Department of Public Safety to develop and implement a web-based fireworks reporting tool.

The SFC fully supports increased fines for fireworks violations and collaboration with other government agencies to reduce the use of fireworks by the general public. The widespread use of fireworks endangers the public, not only when it is being used, but also when it is transported throughout the state. Deaths and serious injuries have occurred along with property damage. Neighborhoods are impacted by noise and pollution, veterans are reminded of combat conditions, and animals are traumatized for weeks and sometimes months preceding these holiday celebrations. While fireworks injuries occur primarily to children, an adult male who lived on Kauai succumbed to fatal injuries sustained from a fireworks explosion on December 31, 2020. Hawaii news media reports at least seven others, including juveniles, were injured from fireworks misuse on New Year's Eve 2020. Furthermore, on March 19, 2021 a fireworks explosion in a residential neighborhood in Ontario, California caused two fatalities and damaged dozens of homes.

The Honorable Mark Nakashima, Chair
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March 22, 2021

The increase in fines may deter individuals from the illegal use of fireworks and the proposed multiagency effort to increase scrutiny of fireworks violations will curtail this growing problem. The general welfare, public safety, and property protection are priorities for the SFC, and we respectfully request your committee's passage of SB 513, SD 1, HD 1.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Goble', with a stylized flourish at the end.

STEVEN GOBLE
Vice Chair

SG/GL:st

MICHAEL P. VICTORINO

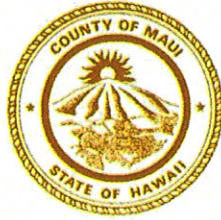
Mayor

DAVID C. THYNE

Fire Chief

BRADFORD K. VENTURA

Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY

COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, HI 96732

March 22, 2021

The Honorable Mark Nakashima, Chair
Committee on Judiciary and Hawaiian Affairs
House of Representatives
State Capitol, Room 432
Honolulu, Hawaii 96813

Dear Chair Nakashima:

Subject: Senate Bill (SB) 513, Senate Draft (SD) 1, House Draft (HD) 1
Relating to the Enforcement of Laws

I am David C. Thyne, member of the Hawaii State Fire Council (SFC) and Maui Fire Department (MFD). The SFC supports SB 513, SD 1, HD 1, which proposes to increase fireworks display permit fees, increase fines for certain fireworks violations, require the Attorney General to establish an explosion detection technology working group, and require the Department of Public Safety to develop and implement a web-based fireworks reporting tool.

The SFC fully supports increased fines for fireworks violations and collaboration with other government agencies to reduce the use of fireworks by the general public. The widespread use of fireworks endangers the public, not only when it is being used, but also when it is transported throughout the state. Deaths and serious injuries have occurred along with property damage. Neighborhoods are impacted by noise and pollution, veterans are reminded of combat conditions, and animals are traumatized for weeks and sometimes months preceding these holiday celebrations. While fireworks injuries occur primarily to children, an adult male who lived on Kauai succumbed to fatal injuries sustained from a fireworks explosion on December 31, 2020. Hawaii news media reports at least seven others, including juveniles, were injured from fireworks misuse on New Year's Eve 2020. Furthermore, on March 19, 2021 a fireworks explosion in a residential neighborhood in Ontario, California caused two fatalities and damaged dozens of homes.

The Honorable Mark Nakashima, Chair

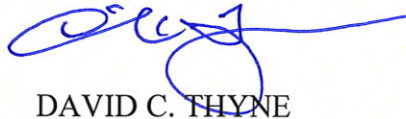
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March 22, 2021

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Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at (808) 723-7176 or lrogers@honolulu.gov.

Sincerely,



DAVID C. THYNE
Fire Chief



Hawaiian Humane Society

People for animals. Animals for people.

2700 Waiialae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

Date: March 22, 2021

To: Chair Rep. Mark Nakashima
Vice Chair Rep. Scot Matayoshi
and Members of the Committee on Judiciary & Hawaiian Affairs

Submitted By: Stephanie Kendrick, Public Policy Advocate
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of SB 513, SD1, HD1:
Relating to The Enforcement of Laws
Tuesday, March 23, 2021, 2 p.m., Capitol Room 325

Aloha Chair Nakashima, Vice Chair Matayoshi and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for Senate Bill 513, SD1, HD1, which Increases the fine for fireworks violations, requires the Attorney General to establish an explosion detection technology working group, and authorizes the Sheriff Division to enforce the fireworks control law, among other provisions.

Hawaiian Humane supports any attempt to remove fireworks from residential neighborhoods, to increase penalties, and to enhance enforcement. At what should be joyous times for local families, illegal fireworks fill our neighborhoods with unexpected explosions that terrorize pets and people alike. Making matters worse, these bombs increasingly go off for weeks at a time.

Animals who flee their homes in fear are at enormous risk of injury and death. Good Samaritans often bring deceased pets to the Hawaiian Humane Society with the goal of providing closure to their owners. That number averages 1-2 a day. Between New Year's Day and Jan. 2 the number spikes. This year we received 13 deceased animals within that timeframe, last year 14 and in 2019 seven. Even when families keep their pets safely indoors, the loud noises fireworks produce cause fear, anxiety and stress in animals. This anxiety can do lasting damage to a pet's emotional and physical health. Neither people nor animals should have to take tranquilizers just to survive the impacts of illegal behavior by their neighbors.

We urge the committee to pass this measure. Mahalo for your consideration.

SB-513-HD-1

Submitted on: 3/19/2021 7:38:56 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

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

Comments:

The 2020 year was terrible for fireworks infractions. They were goingn off months before the celebratory date, disturbing humans and pets. Anything that can help law enforcement get this under control is appreciated. SB513 is a welcome start.