
A BILL FOR AN ACT

RELATING TO THE ENFORCEMENT OF LAWS.

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

PART I

SECTION 1. The legislature finds that the people of the State deserve to live in peace and security, without the public safety risks, health hazards, and traumatic impacts of illegal fireworks use. The legislature also finds that Act 170, Session Laws of Hawaii 2010, established an illegal fireworks task force to develop strategies and make recommendations to the legislature to address the illegal importation and use of fireworks in the State. Among other matters, the illegal fireworks task force recommended that the legislature consider increasing fireworks permit fees and violation fines to deter the use of illegal fireworks, decrease the supply of illegal fireworks in the State, and increase funding for prevention and enforcement efforts.

The legislature further finds that Act 184, Session Laws of Hawaii 2019, directed the legislative reference bureau to update the illegal fireworks task force's findings and recommendations.



1 In its report, the bureau noted that, although the legislature
2 has introduced numerous measures to increase fireworks permit
3 fees and violations fines since 2011, none of the measures were
4 enacted.

5 The legislature also finds that technologies, including
6 ShotSpotter, which were originally developed to assist law
7 enforcement in detecting gunshots, have shown the potential to
8 assist police departments in enforcing fireworks laws. The
9 legislature finds that these technologies allow law enforcement
10 officers to instantly detect and locate the geographic origin of
11 explosions caused by gunfire or illegal fireworks. The police
12 department in Denver, Colorado, notes that this technology gives
13 notice of gunshots within forty seconds and allows police to
14 respond within twenty-five feet of the shot's origin. The
15 legislature notes that ShotSpotter is currently being used by
16 more than ninety cities nationwide, including Chicago, Illinois;
17 Milwaukee, Wisconsin; and San Diego, California.

18 The legislature additionally finds that other technologies
19 may assist law enforcement in data collection pertaining to
20 illegal fireworks, including the web-based reporting tool
21 created and supported by various agencies in Clark County,



1 Nevada. The legislature finds that the Clark County website has
2 successfully forwarded thousands of complaints to Clark County
3 law enforcement agencies since 2018.

4 The legislature further finds that alternative enforcement
5 mechanisms should be considered to promote compliance with the
6 fireworks control law. One alternative enforcement mechanism
7 would be an expeditious adjudication system for fireworks
8 infractions, similar to the system for processing traffic
9 infractions and emergency order infractions. This system would
10 allow the judiciary to expediently process violations of the
11 fireworks control law, allowing the judiciary to reserve
12 resources for cases that require more resources.

13 The purpose of this Act is to:

14 (1) Incorporate the new fireworks citations into the
15 existing traffic and emergency order citation system
16 under Chapter 291D, Hawaii Revised Statutes;

17 (2) Implement the recommendations of the 2010 illegal
18 fireworks task force by:

19 (A) Amending the fines for certain fireworks
20 violations;



(B) Clarifying 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; and

(C) Increasing the penalty for removing or extracting the pyrotechnic contents from any fireworks or articles pyrotechnic for certain uses;

(3) Authorize the sheriff division of the department of public safety to enforce the fireworks control law;

(4) Require the attorney general to establish an explosion detection technology working group; and

(5) Require the department of public safety to develop and implement a web-based reporting tool for illegal fireworks that will provide the counties with additional data to enforce the applicable fireworks laws.

PART II

SECTION 2. Section 132D-14, Hawaii Revised Statutes, is amended by amending its title and subsections (a) and (b) to read as follows:



1 "§132D-14 Penalty[-]; fireworks infractions. (a) Any

2 person:

3 (1) Importing aerial devices, display fireworks, or
4 articles pyrotechnic without having a valid license
5 under section 132D-7 shall be guilty of a class C
6 felony; provided that the unlicensed import of each
7 aerial device, display firework, or article
8 pyrotechnic having a total weight of twenty-five
9 pounds or less shall constitute a separate criminal
10 act under this paragraph;

11 (2) Purchasing, possessing, setting off, igniting, or
12 discharging aerial devices, display fireworks, or
13 articles pyrotechnic without a valid permit under
14 sections 132D-10 and 132D-16, or storing, selling, or
15 possessing aerial devices, display fireworks, or
16 articles pyrotechnic without a valid license under
17 section 132D-7, or allowing an individual to possess,
18 set off, ignite, or otherwise cause to explode any
19 aerial device in violation of section 132D-14.5:

20 (A) If the total weight of the aerial devices,
21 display fireworks, or articles pyrotechnic is



1 twenty-five pounds or more, shall be guilty of a
2 class C felony; or

3 (B) If the total weight of the aerial devices,
4 display fireworks, or articles pyrotechnic is
5 less than twenty-five pounds, shall be guilty of
6 a misdemeanor;

7 (3) Who transfers or sells aerial devices, display
8 fireworks, or articles pyrotechnic to a person who
9 does not have a valid permit under sections 132D-10
10 and 132D-16, shall be guilty of a class C felony;
11 provided that the unpermitted transfer or sale of each
12 aerial device, display firework, or article
13 pyrotechnic having a total weight of twenty-five
14 pounds or less shall constitute a separate criminal
15 act under this paragraph; and

16 (4) Who removes or extracts the pyrotechnic contents from
17 any fireworks or articles pyrotechnic and uses the
18 contents to construct fireworks, articles pyrotechnic,
19 or a fireworks or articles pyrotechnic related device
20 shall be guilty of a ~~[misdemeanor.]~~ class C felony.



(b) Except as provided in subsection (a) or as otherwise specifically provided for in this chapter~~[7]~~ as a felony or misdemeanor, any person violating any other provision of this chapter, shall be fined ~~[not more than \$2,000]~~ \$5,000 for each violation~~[7]~~, subject to the adjudication proceedings under chapter 291D. Notwithstanding any provision to the contrary in this section, any person violating section 132D-14.5 shall be fined ~~[at least]~~ \$500 ~~[and no more than]~~ for the first violation and \$2,000~~[7]~~ for each subsequent violation, subject to the adjudication proceedings under chapter 291D."

SECTION 3. Section 132D-20, Hawaii Revised Statutes, is amended to read as follows:

"§132D-20 Enforcement; probable cause for arrest. (a)
This chapter shall be enforced by each county~~[7]~~; provided that the sheriff division of the department of public safety may assist each county in the enforcement of this chapter. The counties and the sheriff division are authorized to enforce and administer the provisions of this chapter.

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



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

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

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

For the purposes of this subsection:

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

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

SECTION 4. Section 571-41, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:



1 "(f) The judge, or the senior judge if there is more than
2 one, may by order confer concurrent jurisdiction on a district
3 court created under chapter 604 to hear and dispose of cases of
4 violation of traffic laws[7] or ordinances, fireworks
5 infractions, or emergency period rules by children, provision to
6 the contrary in section 571-11 or elsewhere notwithstanding.
7 The exercise of jurisdiction over children by district courts
8 shall, nevertheless, be considered noncriminal in procedure and
9 result in the same manner as though the matter had been
10 adjudicated and disposed of by a family court."

11 SECTION 5. Section 601-3.7, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) There is established in the state treasury a special
14 fund to be known as the judiciary computer system special fund,
15 which shall contain the following:

- 16 (1) Moneys collected from administrative fees pursuant to
17 section 287-3(a);
- 18 (2) Fees prescribed by the supreme court by rule of court
19 for electronic document certification, electronic
20 copies of documents, and for providing bulk access to



1 electronic court records and compilations of data;

2 [~~and~~]

3 (3) Fees pursuant to sections 607-4(b)(10) and

4 607-5(c)(32) [~~-~~]; and

5 (4) Administrative costs pursuant to section 291D-9(c)(3)

6 for fireworks infractions. For the purposes of this

7 paragraph, "fireworks infraction" has the same meaning

8 as defined under section 291D-2."

9 PART III

10 SECTION 6. (a) The attorney general shall establish an
11 explosion detection technology working group to study the
12 feasibility of purchasing and deploying explosion detection
13 technology for the purpose of assisting the police department in
14 each county having a population of more than five hundred
15 thousand in locating and responding to explosions caused by the
16 illegal use of firearms and fireworks.

17 (b) Members of the working group shall include the:

18 (1) Attorney general, or the attorney general's designee;

19 (2) Chief of the police department of each county having a
20 population of more than five hundred thousand, or the
21 chief's designee;



(3) Prosecuting attorney of each county having a population of more than five hundred thousand, or the prosecuting attorney's designee; and

(4) Each member of the state fire council.

SECTION 7. The explosion detection technology working group shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2023.

SECTION 8. The explosion detection technology working group shall cease to exist on June 30, 2023.

PART IV

SECTION 9. (a) The department of public safety shall collaborate with county law enforcement agencies to develop and implement a statewide web-based reporting tool for illegal fireworks that will allow data to be shared with county law enforcement agencies for the purpose of assisting county law enforcement agencies in accurately identifying problematic geographic areas and subsequently plan targeted methods of enforcement.



(b) The statewide web-based reporting tool for illegal fireworks shall include the following features:

(1) Anonymous reporting functions;

(2) A location reporting mechanism that uses an interactive global positioning system map of the State to allow for precise address reporting;

(3) A picture and video upload feature to allow for the submission of evidence;

(4) An optional contact information submission feature; and

(5) Report-generating features, accessible only by state and county law enforcement agencies.

(c) Data collected through the statewide web-based reporting tool for illegal fireworks shall not include public report generating features; provided that state and county law enforcement agencies may provide anonymous data for public information.

SECTION 10. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2022-2023 for the department of public safety to develop and implement a



1 statewide web-based reporting tool for illegal fireworks;
2 provided that the department shall collaborate with county law
3 enforcement agencies in the development and implementation of
4 the statewide web-based reporting tool for illegal fireworks.

5 The sum appropriated shall be expended by the department of
6 public safety for the purposes of this part.

7 PART V

8 SECTION 11. Section 291D-1, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§291D-1 Purpose.** (a) Act 222, Session Laws of Hawaii
11 1978, began the process of decriminalizing certain traffic
12 offenses, not of a serious nature, to the status of violations.
13 In response to a request by the legislature, the judiciary
14 prepared a report in 1987 that recommended, among other things,
15 further decriminalization of traffic offenses, elimination of
16 most traffic arraignments, disposition of uncontested violations
17 by mail, and informal hearings where the violation or the
18 proposed penalty is questioned. The legislature finds that
19 further decriminalization of certain traffic offenses and
20 streamlining of the handling of those traffic cases will achieve
21 a more expeditious system for the judicial processing of traffic



1 infractions. The system of processing traffic infractions
2 established by this chapter will:

3 (1) Eliminate the long and tedious arraignment proceeding
4 for a majority of traffic matters;

5 (2) Facilitate and encourage the resolution of many
6 traffic infractions through the payment of a monetary
7 assessment;

8 (3) Speed the disposition of contested cases through a
9 hearing, similar to small claims proceedings, in which
10 the rules of evidence will not apply and the court
11 will consider as evidence the notice of traffic
12 infraction, applicable police reports, or other
13 written statements by the police officer who issued
14 the notice, any other relevant written material, and
15 any evidence or statements by the person contesting
16 the notice of traffic infraction;

17 (4) Dispense in most cases with the need for witnesses,
18 including law enforcement officers, to be present and
19 for the participation of the prosecuting attorney;



1 (5) Allow judicial, prosecutorial, and law enforcement
2 resources to be used more efficiently and effectively;
3 and

4 (6) Save the taxpayers money and reduce their frustration
5 with the judicial system by simplifying the traffic
6 court process.

7 The legislature further finds that this chapter will not require
8 expansion of the current traffic division of the district
9 courts, but will achieve greater efficiency through more
10 effective use of existing resources of the district courts.

11 (b) The legislature finds that the pandemic related to the
12 coronavirus disease 2019 necessitated the imposition of
13 emergency period rules in an attempt to control the spread of
14 the disease in the State. The thousands of violations of the
15 emergency period rules caused an examination of the ability to
16 impose infractions for lesser offenses as an alternative to
17 using the Penal Code and to allow for more efficient use of the
18 judicial system. The system of processing traffic infractions
19 under this chapter was enacted in 1993 and has provided a useful
20 mechanism for handling offenses deemed as infractions and is
21 well-suited to certain types of violations of emergency period



1 rules that are designated infractions by the governor or mayor
2 under the state's emergency management laws.

3 (c) The legislature further finds that the illegal use of
4 fireworks poses a serious public health and safety hazard. Due
5 to the high number of fireworks set off throughout the State, an
6 expeditious adjudication system for fireworks infractions,
7 similar to the system for processing traffic infractions, will
8 allow the judiciary to expediently process violations of the
9 fireworks control law. This system will allow the judiciary to
10 reserve resources for cases that require more resources."

11 SECTION 12. Section 291D-2, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By adding a new definition to be appropriately inserted
14 and to read:

15 "Fireworks infraction" means any violation of chapter 132D
16 that is not explicitly classified as a felony or misdemeanor,
17 any rule adopted pursuant to chapter 132D, or any county
18 ordinance or rule enacted pursuant to chapter 132D, for which
19 the prescribed penalties do not include imprisonment."

20 2. By amending the definition of "concurrent trial" to
21 read:



1 ""Concurrent trial" means a trial proceeding held in the
2 district or family court in which the defendant is tried
3 simultaneously in a civil case for any charged traffic
4 infraction [~~or~~], emergency period infraction, or fireworks
5 infraction and in a criminal case for any related criminal
6 offense, with trials to be held in one court on the same date
7 and at the same time."

8 3. By amending the definition of "hearing" to read:

9 ""Hearing" means a proceeding conducted by the district
10 court pursuant to section 291D-8 at which the person to whom a
11 notice of traffic infraction [~~or~~], notice of emergency period
12 infraction, or notice of fireworks infraction was issued either
13 admits to the infraction, contests the notice of traffic
14 infraction [~~or~~], notice of emergency period infraction, or
15 notice of fireworks infraction, or admits to the traffic
16 infraction [~~or~~], emergency period infraction, or fireworks
17 infraction but offers an explanation to mitigate the monetary
18 assessment imposed."

19 4. By amending the definition of "related criminal
20 offense" to read:



1 ""Related criminal offense" means any criminal violation or
2 crime, committed in the same course of conduct as a traffic
3 infraction [~~or~~], emergency period infraction, or fireworks
4 infraction, for which the defendant is arrested or charged."

5 SECTION 13. Section 291D-3, Hawaii Revised Statutes, is
6 amended by amending subsections (a) through (e) to read as
7 follows:

8 "(a) Notwithstanding any other provision of law to the
9 contrary, all traffic infractions [~~and~~], emergency period
10 infractions, and fireworks infractions, including infractions
11 committed by minors, shall be adjudicated pursuant to this
12 chapter, except as provided in subsection (b). This chapter
13 shall be applied uniformly throughout the State and in all
14 counties. No penal sanction that includes imprisonment shall
15 apply to a violation of a state statute or rule, or county
16 ordinance or rule, that would constitute a traffic infraction
17 [~~or~~], an emergency period infraction, or a fireworks infraction
18 under this chapter. No traffic infraction [~~or~~], emergency
19 period infraction, or fireworks infraction shall be classified
20 as a criminal offense.



1 (b) Where a defendant is charged with a traffic infraction
2 ~~[or]~~, an emergency period infraction, or a fireworks infraction
3 and the infraction is committed in the same course of conduct as
4 a criminal offense for which the offender is arrested or
5 charged, the traffic infraction ~~[or]~~, emergency period
6 infraction, or fireworks infraction shall be adjudicated
7 pursuant to this chapter; provided that the court may schedule
8 any initial appearance, hearing, or trial on the traffic
9 infraction ~~[or]~~, emergency period infraction, or fireworks
10 infraction at the same date, time, and place as the arraignment,
11 hearing, or trial on the related criminal offense.

12 Notwithstanding this subsection and subsection (c), the
13 court shall not schedule any initial appearance, hearing, or
14 trial on the traffic infraction ~~[or]~~, emergency period
15 infraction, or fireworks infraction at the same date, time, and
16 place as the arraignment, hearing, or trial on the related
17 criminal offense where the related criminal offense is a felony
18 or is a misdemeanor for which the defendant has demanded a jury
19 trial.

20 (c) If the defendant requests a trial pursuant to section
21 291D-13, the trial shall be held in the district court of the



1 circuit in which the traffic infraction [~~or~~], emergency period
2 infraction, or fireworks infraction was committed. If the court
3 schedules a concurrent trial pursuant to paragraph (1), the
4 concurrent trial shall be held in the appropriate district or
5 family court of the circuit in which the traffic infraction
6 [~~or~~], emergency period infraction, or fireworks infraction was
7 committed, whichever has jurisdiction over the related criminal
8 offense charged pursuant to the applicable statute or rule of
9 court; provided that:

- 10 (1) The district or family court, for the purpose of
11 trial, may schedule a civil trial on the traffic
12 infraction [~~or~~], emergency period infraction, or
13 fireworks infraction on the same date and at the same
14 time as a criminal trial on the related criminal
15 offense charged. The court shall enter a civil
16 judgment as to the traffic infraction [~~or~~], emergency
17 period infraction, or fireworks infraction and a
18 judgment of conviction or acquittal as to the related
19 criminal offense following such concurrent trial; and
20 (2) If trial on the traffic infraction [~~or~~], emergency
21 period infraction, or fireworks infraction is held



1 separately from and before trial on any related
2 criminal offense, the following shall be inadmissible
3 in the prosecution or trial of the related criminal
4 offense, except as expressly provided by the Hawaii
5 rules of evidence:

6 (A) Any written or oral statement made by the
7 defendant in proceedings conducted pursuant to
8 section 291D-7(b); and

9 (B) Any testimony given by the defendant in the trial
10 on the traffic infraction [~~or~~], emergency period
11 infraction[~~or~~], or fireworks infraction.

12 Such statements or testimony shall not be deemed a
13 waiver of the defendant's privilege against self-
14 incrimination in connection with any related criminal
15 offense.

16 (d) In no event shall section 701-109 preclude prosecution
17 for a related criminal offense where a traffic infraction [~~or~~],
18 an emergency period infraction, or a fireworks infraction
19 committed in the same course of conduct has been adjudicated
20 pursuant to this chapter.



1 (e) If the defendant fails to appear at any scheduled
2 court date before the date of trial or concurrent trial and:

3 (1) The defendant's civil liability for the traffic
4 infraction [~~or~~], emergency period infraction, or
5 fireworks infraction has not yet been adjudicated
6 pursuant to section 291D-8, the court shall enter a
7 judgment by default in favor of the State for the
8 traffic infraction [~~or~~], emergency period infraction,
9 or fireworks infraction unless the court determines
10 that good cause or excusable neglect exists for the
11 defendant's failure to appear; or

12 (2) The defendant's civil liability for the traffic
13 infraction [~~or~~], emergency period infraction, or
14 fireworks infraction has been adjudicated previously
15 pursuant to section 291D-8, the judgment earlier
16 entered in favor of the State shall stand unless the
17 court determines that good cause or excusable neglect
18 exists for the defendant's failure to appear."

19 SECTION 14. Section 291D-4, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "**§291D-4 Venue and jurisdiction.** (a) All violations of
2 state law, ordinances, or rules designated as traffic
3 infractions ~~[or]~~, emergency period infractions, or fireworks
4 infractions in this chapter shall be adjudicated in the district
5 and circuit where the alleged infraction occurred, except as
6 otherwise provided by law.

7 (b) Except as otherwise provided by law, jurisdiction is
8 in the district court of the circuit where the alleged traffic
9 infraction ~~[or]~~, emergency period infraction, or fireworks
10 infraction occurred. Except as otherwise provided in this
11 chapter, district court judges shall adjudicate traffic
12 infractions ~~[and]~~, emergency period infractions, and
13 fireworks infractions."

14 SECTION 15. Section 291D-5, Hawaii Revised Statutes, is
15 amended by amending subsections (a) through (d) to read as
16 follows:

17 "(a) The notice of traffic infraction for moving
18 violations, ~~[and]~~ the notice of emergency period infraction, and
19 the notice of fireworks infraction, shall include the summons
20 for the purposes of this chapter. Whenever a notice of traffic
21 infraction ~~[or]~~, notice of emergency period infraction, or



1 notice of fireworks infraction is issued, the person's
2 signature, driver's license number or state identification
3 number, electronic mail address, and current address shall be
4 noted on the notice. If the person refuses to sign the notice
5 of traffic infraction [~~or~~], notice of emergency period
6 infraction, or notice of fireworks infraction, the officer shall
7 record this refusal on the notice and issue the notice to the
8 person. Anyone to whom a notice of traffic infraction [~~or~~],
9 notice of emergency period infraction, or notice of fireworks
10 infraction is issued under this chapter need not be arraigned
11 before the court, unless required by rule of the supreme court.

12 (b) The forms for the notice of traffic infraction [~~and~~],
13 notice of emergency period infraction, and notice of fireworks
14 infraction shall be prescribed by rules of the district court,
15 which shall be uniform throughout the State; provided that each
16 judicial circuit may include differing statutory, rule, or
17 ordinance provisions on its respective notice of traffic
18 infraction [~~or~~], notice of emergency period infraction, or
19 notice of fireworks infraction.

20 (c) A notice of traffic infraction [~~or~~], notice of
21 emergency period infraction, or notice of fireworks infraction



1 that is generated by the use of electronic equipment or that
2 bears the electronically stored image of any person's signature,
3 or both, shall be valid under this chapter.

4 (d) The notice of traffic infraction [~~or~~], notice of
5 emergency period infraction, or notice of fireworks infraction
6 shall include the following:

7 (1) A statement of the specific infraction for which the
8 notice was issued;

9 (2) Except in the case of parking-related traffic
10 infractions, a brief statement of the facts;

11 (3) A statement of the total amount to be paid for each
12 infraction, which amount shall include any fee,
13 surcharge, or cost required by statute, ordinance, or
14 rule, and any monetary assessment, established for the
15 particular infraction pursuant to section 291D-9, to
16 be paid by the person to whom the notice was issued,
17 which shall be uniform throughout the State;

18 (4) A statement of the options provided in section
19 291D-6(b) for answering the notice and the procedures
20 necessary to exercise the options;



- 1 (5) A statement that the person to whom the notice is
2 issued shall answer, choosing one of the options
3 specified in section 291D-6(b), within twenty-one days
4 of issuance of the notice;
- 5 (6) A statement that failure to answer the notice within
6 twenty-one days of issuance shall result in the entry
7 of judgment by default for the State and may result in
8 the assessment of a late penalty;
- 9 (7) A statement that, at a hearing requested to contest
10 the notice, pursuant to section 291D-8, no officer
11 shall be present unless the person to whom the notice
12 was issued timely requests the court to have the
13 officer present, and that the standard of proof to be
14 applied by the court is whether a preponderance of the
15 evidence proves that the specified infraction was
16 committed;
- 17 (8) A statement that, at a hearing requested for the
18 purpose of explaining mitigating circumstances
19 surrounding the commission of the infraction or in
20 consideration of a written request for mitigation, the



1 person shall be considered to have committed the
2 infraction;

3 (9) A space in which the signature of the person to whom
4 the notice was issued may be affixed; and

5 (10) The date, time, and place at which the person to whom
6 the notice was issued shall appear in court, if the
7 person is required by the notice to appear in person
8 at the hearing."

9 SECTION 16. Section 291D-6, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§291D-6 Answer required.** (a) A person who receives a
12 notice of traffic infraction ~~[or]~~, notice of emergency period
13 infraction, or notice of fireworks infraction shall answer the
14 notice within twenty-one days of the date of issuance of the
15 notice. There shall be included with the notice of traffic
16 infraction ~~[or]~~, notice of emergency period infraction, or
17 notice of fireworks infraction a preaddressed envelope directed
18 to the traffic and emergency period violations bureau of the
19 applicable district court.

20 (b) Provided that the notice of traffic infraction ~~[or]~~,
21 notice of emergency period infraction, or notice of fireworks



1 infraction does not require an appearance in person at a hearing
2 as set forth in section 291D-5(d)(10), in answering a notice of
3 traffic infraction [~~or~~], notice of emergency period infraction,
4 or notice of fireworks infraction, a person shall have the
5 following options:

6 (1) Admit the commission of the infraction in one of the
7 following ways:

8 (A) By mail or in person, by completing the
9 appropriate portion of the notice of traffic
10 infraction, notice of emergency period
11 infraction, notice of fireworks infraction, or
12 preaddressed envelope and submitting it to the
13 authority specified on the notice together with
14 payment of the total amount stated on the notice
15 of traffic infraction [~~or~~], notice of emergency
16 period infraction[~~or~~], or notice of fireworks
17 infraction. Payment by mail shall be in the form
18 of a check, money order, or by an approved credit
19 or debit card. Payment in person shall be in the
20 form of United States currency, check, money
21 order, or by an approved credit or debit card; or



1 (B) Via the Internet or by telephone, by submitting
2 payment of the total amount stated on the notice
3 of traffic infraction [~~or~~], notice of emergency
4 period infraction[~~or~~], or notice of fireworks
5 infraction. Payment via the Internet or by
6 telephone shall be by an approved credit or debit
7 card;

8 (2) Deny the commission of the infraction and request a
9 hearing to contest the infraction by completing the
10 appropriate portion of the notice of traffic
11 infraction, notice of emergency period infraction,
12 notice of fireworks infraction, or preaddressed
13 envelope and submitting it, either by mail or in
14 person, to the authority specified on the notice. In
15 lieu of appearing in person at a hearing, the person
16 may submit a written statement of grounds on which the
17 person contests the notice of traffic infraction [~~or~~],
18 notice of emergency period infraction, or notice of
19 fireworks infraction, which shall be considered by the
20 court as a statement given in court pursuant to
21 section 291D-8(a); or



1 (3) Admit the commission of the infraction and request a
2 hearing to explain circumstances mitigating the
3 infraction by completing the appropriate portion of
4 the notice of traffic infraction, notice of emergency
5 period infraction, notice of fireworks infraction, or
6 preaddressed envelope and submitting it, either by
7 mail or in person, to the authority specified on the
8 notice. In lieu of appearing in person at a hearing,
9 the person may submit a written explanation of the
10 mitigating circumstances, which shall be considered by
11 the court as a statement given in court pursuant to
12 section 291D-8(b).

13 (c) When answering the notice of traffic infraction [~~or~~],
14 notice of emergency period infraction, or notice of fireworks
15 infraction, the person shall affix the person's signature to the
16 answer and shall state the address at which the person will
17 accept future mailings from the court. No other response shall
18 constitute an answer for purposes of this chapter."

19 SECTION 17. Section 291D-7, Hawaii Revised Statutes, is
20 amended to read as follows:



1 **"§291D-7 Court action after answer or failure to answer.**

2 (a) When an admitting answer is received, the court shall enter
3 judgment in favor of the State in the total amount specified in
4 the notice of traffic infraction [~~or~~], notice of emergency
5 period infraction[-], or notice of fireworks infraction.

6 (b) When a denying answer is received, the court shall
7 proceed as follows:

8 (1) In the case of a traffic infraction [~~or~~], emergency
9 period infraction, or fireworks infraction where the
10 person requests a hearing at which the person will
11 appear in person to contest the infraction, the court
12 shall notify the person in writing of the date, time,
13 and place of hearing to contest the notice of traffic
14 infraction [~~or~~], notice of emergency period
15 infraction[-], or notice of fireworks infraction. The
16 notice of hearing shall be mailed to the address
17 stated in the denying answer, or if none is given, to
18 the address stated on the notice of traffic infraction
19 [~~or~~], notice of emergency period infraction[-], or
20 notice of fireworks infraction. An electronic copy of
21 the notice of hearing may be sent to the electronic



1 mail address stated on the notice of infraction. The
2 notification also shall advise the person that, if the
3 person fails to appear at the hearing, the court shall
4 enter judgment by default in favor of the State, as of
5 the date of the scheduled hearing, that the total
6 amount specified in the default judgment shall be paid
7 within thirty days of entry of default judgment; and

8 (2) When a denying answer is accompanied by a written
9 statement of the grounds on which the person contests
10 the notice of traffic infraction [~~or~~], notice of
11 emergency period infraction, or notice of fireworks
12 infraction, the court shall proceed as provided in
13 section 291D-8(a) and shall notify the person of its
14 decision, including the total amount assessed, if any,
15 by mailing the notice of entry of judgment within
16 forty-five days of the postmarked date of the answer
17 to the address provided by the person in the denying
18 answer, or if none is given, to the address given when
19 the notice of traffic infraction [~~or~~], notice of
20 emergency period infraction, or notice of fireworks
21 infraction was issued or, in the case of parking



1 violations, to the address at which the vehicle is
2 registered. An electronic copy of the notice of entry
3 of judgment may be sent to the electronic mail address
4 stated on the notice of traffic infraction[-], notice
5 of emergency period infraction, or notice of fireworks
6 infraction. The notice of entry of judgment also
7 shall advise the person, if it is determined that the
8 infraction was committed and judgment is entered in
9 favor of the State, that the person has the right,
10 within thirty days of entry of judgment, to request a
11 trial and shall specify the procedures for doing so.
12 The notice of entry of judgment shall also notify the
13 person, if an amount is assessed by the court for
14 monetary assessments, fees, surcharges, or costs, that
15 if the person does not request a trial within the time
16 specified in this paragraph, the total amount assessed
17 shall be paid within thirty days of entry of judgment.

18 (c) When an answer admitting commission of the infraction
19 but seeking to explain mitigating circumstances is received, the
20 court shall proceed as follows:



(1) In the case of a traffic infraction [~~or~~], emergency period infraction, or fireworks infraction where the person requests a hearing at which the person will appear in person to explain mitigating circumstances, the court shall notify the person in writing of the date, time, and place of hearing to explain mitigating circumstances. The notice of hearing shall be mailed to the address stated in the answer, or if none is given, to the address stated on the notice of traffic infraction [~~or~~], notice of emergency period infraction[~~or~~], or notice of fireworks infraction. An electronic copy of the notice of hearing may be sent to the electronic mail address stated on the notice of traffic infraction[~~or~~], notice of emergency period infraction, or notice of fireworks infraction. The notification also shall advise the person that, if the person fails to appear at the hearing, the court shall enter judgment by default in favor of the State, as of the date of the scheduled hearing, and that the total amount stated in the default judgment shall be paid within thirty days of entry of default judgment; and



1 (2) If a written explanation is included with an answer
2 admitting commission of the infraction, the court
3 shall enter judgment for the State and, after
4 reviewing the explanation, determine the total amount
5 of the monetary assessments, fees, surcharges, or
6 costs to be assessed, if any. The court shall then
7 notify the person of the total amount to be paid for
8 the infraction, if any. There shall be no appeal from
9 the judgment. If the court assesses an amount for
10 monetary assessments, fees, surcharges, or costs, the
11 court shall also notify the person that the total
12 amount shall be paid within thirty days of entry of
13 judgment.

14 (d) If the person fails to answer within twenty-one days
15 of issuance of the notice of traffic infraction [~~or~~], notice of
16 emergency period infraction, or notice of fireworks infraction,
17 the court shall take action as provided in subsection (e).

18 (e) Whenever judgment by default in favor of the State is
19 entered, the court shall mail a notice of entry of default
20 judgment to the address provided by the person when the notice
21 of traffic infraction [~~or~~], notice of emergency period



1 infraction, or notice of fireworks infraction was issued or, in
2 the case of parking infractions, to the address stated in the
3 answer, if any, or the address at which the vehicle is
4 registered. An electronic copy of the notice of entry of
5 default judgment may be sent to the electronic mail address
6 stated on the notice of traffic infraction[~~-~~], notice of
7 emergency period infraction, or notice of fireworks infraction.

8 The notice of entry of default judgment shall advise the person
9 that the total amount specified in the default judgment shall be
10 paid within thirty days of entry of default judgment and shall
11 explain the procedure for setting aside a default judgment.

12 Judgment by default for the State entered pursuant to this
13 chapter may be set aside pending final disposition of the
14 traffic infraction [~~or~~], emergency period infraction, or
15 fireworks infraction upon written application of the person and

16 posting of an appearance bond equal to the amount of the total
17 amount specified in the default judgment and any other
18 assessment imposed pursuant to section 291D-9. The application
19 shall show good cause or excusable neglect for the person's
20 failure to take action necessary to prevent entry of judgment by
21 default. Thereafter, the court shall determine whether good



1 cause or excusable neglect exists for the person's failure to
2 take action necessary to prevent entry of judgment by default.
3 If so, the application to set aside default judgment shall be
4 granted, the default judgment shall be set aside, and the notice
5 of traffic infraction ~~[or]~~, notice of emergency period
6 infraction, or notice of fireworks infraction shall be disposed
7 of pursuant to this chapter. If not, the application to set
8 aside default judgment shall be denied, the appearance bond
9 shall be forfeited and applied to satisfy amounts due under the
10 default judgment, and the notice of traffic infraction ~~[or]~~,
11 notice of emergency period infraction, or notice of fireworks
12 infraction shall be finally disposed. In either case, the court
13 shall determine the existence of good cause or excusable neglect
14 and notify the person of its decision on the application in
15 writing."

16 SECTION 18. Section 291D-8, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§291D-8 Hearings.** (a) In proceedings to contest a
19 notice of traffic infraction ~~[or]~~, notice of emergency period
20 infraction, or notice of fireworks infraction where the person



1 to whom the notice was issued has timely requested a hearing and
2 appears at such hearing:

3 (1) In lieu of the personal appearance by the officer who
4 issued the notice of traffic infraction [~~or~~], notice
5 of emergency period infraction, or notice of fireworks
6 infraction, the court shall consider the notice of
7 traffic infraction [~~or~~], notice of emergency period
8 infraction, or notice of fireworks infraction, and any
9 other written report made by the officer, if provided
10 to the court by the officer, together with any oral or
11 written statement by the person to whom the notice of
12 infraction was issued, or in the case of traffic
13 infractions involving parking or equipment, the
14 operator or registered owner of the motor vehicle;

15 (2) The court may compel by subpoena the attendance of the
16 officer who issued the notice of traffic infraction
17 [~~or~~], notice of emergency period infraction, or notice
18 of fireworks infraction, and other witnesses from whom
19 it may wish to hear;

20 (3) The standard of proof to be applied by the court shall
21 be whether, by a preponderance of the evidence, the



1 court finds that the traffic infraction [~~or~~],
2 emergency period infraction, or fireworks infraction
3 was committed; and

4 (4) After due consideration of the evidence and arguments,
5 if any, the court shall determine whether commission
6 of the traffic infraction [~~or~~], emergency period
7 infraction, or fireworks infraction has been
8 established. Where the commission of the traffic
9 infraction [~~or~~], emergency period infraction, or
10 fireworks infraction has not been established,
11 judgment in favor of the defendant, dismissing the
12 notice of traffic infraction [~~or~~], notice of emergency
13 period infraction, or notice of fireworks infraction
14 or any count therein with prejudice, shall be entered
15 in the record. Where it has been established that the
16 traffic infraction [~~or~~], emergency period infraction,
17 or fireworks infraction was committed, the court shall
18 enter judgment in favor of the State and shall assess
19 a monetary assessment pursuant to section 291D-9,
20 together with any fees, surcharges, or costs. The
21 court also shall inform the person of the right to



1 request a trial pursuant to section 291D-13. If the
2 person requests a trial at the time of the hearing,
3 the court shall provide the person with the trial date
4 as soon as practicable.

5 (b) In proceedings to explain mitigating circumstances
6 where the person to whom the notice of traffic infraction [~~or~~],
7 notice of emergency period infraction, or notice of fireworks
8 infraction was issued has timely requested a hearing and appears
9 at such hearing:

10 (1) The procedure shall be limited to the issue of
11 mitigating circumstances. A person who requests to
12 explain the circumstances shall not be permitted to
13 contest the notice of traffic infraction [~~or~~], notice
14 of emergency period infraction[~~+~~], or notice of
15 fireworks infraction;

16 (2) After the court has received the explanation, the
17 court shall enter judgment in favor of the State and
18 may assess a monetary assessment pursuant to section
19 291D-9, together with any fees, surcharges, or costs;

20 (3) The court, after receiving the explanation, may vacate
21 the admission and enter judgment in favor of the



1 defendant, dismissing the notice of traffic
2 infraction, notice of emergency period infraction,
3 notice of fireworks infraction, or any count therein
4 with prejudice, where the explanation establishes that
5 the infraction was not committed; and

6 (4) There shall be no appeal from the judgment.

7 (c) If a person for whom a hearing has been scheduled, to
8 contest the notice of traffic infraction [~~or~~], notice of
9 emergency period infraction, or notice of fireworks infraction,
10 or to explain mitigating circumstances, fails to appear at the
11 hearing, the court shall enter judgment by default for the State
12 and take action as provided in section 291D-7(e)."

13 SECTION 19. Section 291D-9, Hawaii Revised Statutes, is
14 amended by amending subsections (a) through (c) to read as
15 follows:

16 "(a) A person found to have committed a traffic infraction
17 [~~or~~], emergency period infraction, or fireworks infraction shall
18 be assessed a monetary assessment not to exceed the maximum fine
19 specified in the law or rule defining the traffic infraction
20 [~~or~~], emergency period infraction, or fireworks infraction.



1 The court shall consider a person's financial circumstances, if
2 disclosed, in determining the monetary assessment.

3 (b) Notwithstanding section 291C-161 or any other law to
4 the contrary, the district court of each circuit shall prescribe
5 a schedule of monetary assessments for all traffic infractions
6 ~~[and]~~, emergency period infractions, and fireworks infractions,
7 and any additional assessments to be imposed pursuant to
8 subsection (c). The particular assessment to be entered on the
9 notice of traffic infraction ~~[or]~~, notice of emergency period
10 infraction, or notice of fireworks infraction pursuant to
11 section 291D-5 shall correspond to the schedule prescribed by
12 the district court. Except after proceedings conducted pursuant
13 to section 291D-8 or a trial conducted pursuant to section
14 291D-13, monetary assessments assessed pursuant to this chapter
15 shall not vary from the schedule prescribed by the district
16 court having jurisdiction over the traffic infraction ~~[or]~~,
17 emergency period infraction~~[or]~~, or fireworks infraction.

18 (c) In addition to any monetary assessment imposed for a
19 traffic infraction ~~[or]~~, an emergency period infraction, or a
20 fireworks infraction, the court may impose additional
21 assessments for:



- 1 (1) Failure to pay a monetary assessment by the scheduled
2 date of payment; [~~or~~]
- 3 (2) The cost of service of a penal summons issued pursuant
4 to this chapter[~~or~~]; or
- 5 (3) The administrative costs of \$20 for each instance of
6 noncompliance with a rule associated with the
7 processing of fireworks infractions, regardless of
8 whether the monetary assessment is suspended. The
9 clerk of the district court shall deposit the
10 administrative costs collected into the judiciary
11 computer system special fund."

12 SECTION 20. Section 291D-12, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§291D-12 Powers of the district court judge sitting in**
15 **the traffic [and], emergency period, and fireworks division.**

16 (a) A district court judge sitting in the traffic [~~and~~],
17 emergency period, and fireworks division and hearing cases
18 pursuant to this chapter shall have all the powers of a district
19 court judge under chapter 604, including the following powers:



- 1 (1) To conduct traffic infraction [~~and~~], emergency period
2 infraction, and fireworks infraction hearings and to
3 impose monetary assessments;
- 4 (2) To permit deferral of monetary assessment or impose
5 community service in lieu thereof;
- 6 (3) To dismiss a notice of traffic infraction [~~or~~], notice
7 of emergency period infraction, or notice of fireworks
8 infraction, with or without prejudice, or to set aside
9 a judgment for the State;
- 10 (4) To order temporary driver's license suspension or
11 driver's license reinstatement;
- 12 (5) To approve the issuance or renewal of a driver's
13 license or instruction permit pursuant to section
14 286-109(c);
- 15 (6) To issue penal summonses and bench warrants and
16 initiate contempt of court proceedings in proceedings
17 conducted pursuant to section 291D-13;
- 18 (7) To issue penal summonses and bench warrants and
19 initiate failure to appear proceedings in proceedings
20 conducted pursuant to section 291D-5(d)(10); and



1 (8) To exercise other powers the court finds necessary and
2 appropriate to carry out the purposes of this chapter.

3 (b) A district court judge sitting in the traffic [~~and~~],
4 emergency period, and fireworks division and hearing cases
5 pursuant to this chapter shall not order the director of finance
6 to withhold issuing or renewing the driver's license, or
7 registering, renewing the registration of, or issuing the title
8 to a motor vehicle, of any person who has not paid a monetary
9 assessment, has not performed community service in lieu thereof,
10 or has not otherwise satisfied a judgment for the State entered
11 pursuant to this chapter."

12 SECTION 21. Section 291D-13, Hawaii Revised Statutes, is
13 amended by amending subsections (a) through (c) to read as
14 follows:

15 "(a) There shall be no right to trial unless the defendant
16 contests the notice of traffic infraction [~~or~~], notice of
17 emergency period infraction, or notice of fireworks infraction
18 pursuant to section 291D-8. If, after proceedings to contest
19 the notice of traffic infraction [~~or~~], notice of emergency
20 period infraction, or notice of fireworks infraction, a
21 determination is made that the defendant committed the traffic



1 infraction [~~or~~], emergency period infraction, or fireworks
2 infraction, judgment shall enter in favor of the State. The
3 defendant may request a trial pursuant to the Hawaii rules of
4 evidence and the rules of the district court; provided that any
5 request for trial shall be made within thirty days of entry of
6 judgment. If, after appearing in person at a hearing to contest
7 the notice of traffic infraction [~~or~~], notice of emergency
8 period infraction, or notice of fireworks infraction, the person
9 requests a trial at the conclusion of the hearing, the court
10 shall provide the person with the trial date as soon as
11 practicable.

12 (b) At the time of trial, the State shall be represented
13 by a prosecuting attorney of the county in which the infraction
14 occurred. The prosecuting attorney shall orally recite the
15 charged civil traffic infraction [~~or~~], emergency period
16 infraction, or fireworks infraction in court before commencement
17 of the trial. Proof of the defendant's commission of the
18 traffic infraction [~~or~~], emergency period infraction, or
19 fireworks infraction shall be by a preponderance of the
20 evidence.



1 (c) If trial on the traffic infraction [~~or~~], emergency
2 period infraction, or fireworks infraction is held before trial
3 on any related criminal offense, the following shall be
4 inadmissible in the subsequent prosecution or trial of the
5 related criminal offense:

6 (1) Any written or oral statement made by the defendant in
7 proceedings conducted pursuant to section 291D-7(b);

8 and

9 (2) Any testimony given by the defendant in the traffic
10 infraction [~~or~~], emergency period infraction, or
11 fireworks infraction trial.

12 The statement or testimony, or both, shall not be deemed a
13 waiver of the defendant's privilege against self-incrimination
14 in connection with any related criminal offense."

15 SECTION 22. Section 291D-14, Hawaii Revised Statutes, is
16 amended by amending subsections (c) and (d) to read as follows:

17 "(c) Notwithstanding section 604-17, while the court is
18 sitting in any matter pursuant to this chapter, the court shall
19 not be required to preserve the testimony or proceedings, except
20 proceedings conducted pursuant to section 291D-13 and
21 proceedings in which the traffic infraction [~~or~~], emergency



1 period infraction, or fireworks infraction is heard on the same
2 date and time as any related criminal offense.

3 (d) The prosecuting attorney shall not participate in
4 traffic infraction ~~[or]~~, emergency period infraction, or
5 fireworks infraction proceedings conducted pursuant to this
6 chapter, except proceedings pursuant to section 291D-13 and
7 proceedings in which a related criminal offense is scheduled for
8 arraignment, hearing, or concurrent trial."

9 SECTION 23. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2022-2023 to
12 update the judiciary information management system to implement
13 the adjudication process established by this part.

14 The sum appropriated shall be expended by the judiciary for
15 the purposes of this part.

16 PART VI

17 SECTION 24. This Act does not affect rights and duties
18 that matured, penalties that were incurred, and proceedings that
19 were begun before its effective date.

20 SECTION 25. If any provision of this Act, or the
21 application thereof to any person or circumstance, is held



1 invalid, the invalidity does not affect other provisions or
2 applications of the Act that can be given effect without the
3 invalid provision or application, and to this end the provisions
4 of this Act are severable.

5 SECTION 26. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 27. This Act shall take effect on July 30, 2075.



Report Title:

Judiciary; Department of the Attorney General; DPS; Fireworks;
Adjudication; Enforcement; Working Group; Appropriations

Description:

Establishes an expeditious adjudication system for the processing of fireworks infractions. Increases the fine for certain fireworks violations. Clarifies what constitutes a separate violation. Increases the penalty for removing or extracting 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 reporting tool for illegal fireworks. Appropriates funds. Effective 7/30/2075. (HD1)

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

