

Honolulu, Hawaii

MAR 22 , 2022

RE: S.B. No. 3194
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 3194, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE ENFORCEMENT OF LAWS,"

begs leave to report as follows:

The purpose of this measure is to promote compliance with the Fireworks Control Law by:

- (1) Specifying 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;
- (2) Subjecting the removal or extraction of pyrotechnic contents to construct fireworks, articles pyrotechnic, or related device to a higher criminal penalty of a class C felony;
- (3) Increasing the generally applicable statutory fine for violations of the Fireworks Control Law and amending the fine structure for certain other violations;
- (4) Authorizing the Sheriff Division of the Department of Public Safety to enforce the Fireworks Control Law;



- (5) Requiring the Attorney General to convene an Explosion Detection Technology Working Group, which is to submit a report to the Legislature before the Regular Session of 2023;
- (6) Requiring the Department of Public Safety, in collaboration with county law enforcement agencies, to develop and implement a web-based reporting tool for illegal fireworks; and
- (7) Establishing an expeditious adjudication system for processing fireworks infractions, similar to the system for processing traffic infractions and emergency period infractions.

Your Committee received testimony in support of this measure from the State Fire Council, Maui Fire Department, Honolulu Fire Department, Department of the Prosecuting Attorney of the City and County of Honolulu, Hawaiian Humane Society, and four individuals. Your Committee received testimony in opposition to this measure from the Honolulu Police Department and one individual. Your Committee received comments on this measure from the Judiciary and Department of Budget and Finance.

Your Committee finds that the enforcement of the Fireworks Control Law is wanting. Your Committee further finds that enforcement is necessary to protect property from avoidable fire damage; protect persons from fire and explosion-related injuries; minimize respiratory distress caused by the air pollution; and avoid retraumatizing persons who may be adversely impacted by loud explosions. This measure implements multiple strategies to further enforce the Fireworks Control Law and deter the illegal setting off of fireworks in the State.

Your Committee has amended this measure by:

- (1) Clarifying that the fine applicable to homeowners, renters, or other persons under the Fireworks Control Law is \$500 for the first violation and \$2,000 for each subsequent violation;
- (2) Clarifying that a \$20 administrative fee is to be assessed by the court and deposited into the Judiciary



Computer System Special Fund, rather than depositing the monetary assessment into the Special Fund; and

- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3194, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3194, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



AARON LING JOHANSON, Chair



