

Honolulu, Hawaii

FEB 18 2022

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Judiciary and Public Safety,
Intergovernmental, and Military Affairs, to which was referred
S.B. No. 3194 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish an expeditious adjudication system for processing fireworks infractions, similar to the system for processing traffic infractions;
- (2) Implement the recommendations of the 2010 illegal fireworks task force by:
 - (A) Raising the fireworks display permit fee from \$110 to \$150;
 - (B) Amending the fines for certain fireworks violations;
 - (C) 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



- (D) Increasing the penalty for removing of 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.

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

Your Committees find 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. Your Committees further find that technologies, including ShotSpotter and web-based reporting tools, have shown potential to assist police departments in enforcing fireworks laws. Additionally, your Committees believe that alternative enforcement mechanisms, such as an expeditious adjudication system for fireworks infractions similar to the system for processing traffic infractions, should be considered to promote compliance with fireworks laws. This expeditious adjudication system will allow the Judiciary to expediently process violations of the fireworks control law, allowing the Judiciary to reserve resources for cases that require



more resources. This measure will allow the State to ensure that the people of the State may live in peace and security, without the public safety risks, health hazards, and traumatic impacts of illegal fireworks use by implementing a multi-faceted approach to increasing the State's enforcement against illegal fireworks, including a working group and proposed technology to further improve interagency cooperation.

Your Committees have amended this measure by:

- (1) Deleting language that would have established an expeditious adjudication system for processing fireworks infractions, similar to the system for processing traffic infractions;
- (2) Deleting language that would have increased the permit cost to use aerial fireworks from \$110 to \$150;
- (3) Incorporating the new fireworks citations into the existing traffic and emergency order citation system under Chapter 291D, Hawaii Revised Statutes;
- (4) Amending section 1 to reflect its amended purpose;
- (5) Inserting an effective date of July 30, 2075, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3194, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3194, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Public Safety,
Intergovernmental, and Military
Affairs,



CLARENCE K. NISHIHARA, Chair



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 3194	JDC/PSM, WAM	2/15/2022		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
DECOITE, Lynn (VC)	✓			
BAKER, Rosalyn H.	✓			
RIVIERE, Gil	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
<i>Lynn DeCorte</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes