



The Judiciary, State of Hawai'i

Testimony to the Thirty-First State Legislature, 2021 Session

Committee on Judiciary & Hawaiian Affairs

Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

Tuesday, February 16, 2021, 2:00 p.m.
State Capitol, Conference Room 325
VIA VIDEOCONFERENCE

By:

Mark M. Santoki
Acting Deputy Chief Court Administrator
First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 1245, HD1, Relating to Fireworks Infractions.

Purpose: Establishes an expeditious adjudication system for the processing of fireworks infractions. Appropriates funds. Effective 1/1/2050.

Judiciary's Position:

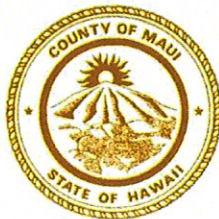
The Judiciary takes NO POSITION on this measure. The Judiciary notes that this bill, like several other pending bills, creates a new category of citations that would allow persons cited to pay fines online without appearing in court. The Judiciary appreciates the recognition of the House Consumer Protection & Commerce Committee that in order to implement this measure as written, the Judiciary will require an appropriation to revise our current electronic case management system to accommodate the proposed changes provided in this bill.

Thank you for the opportunity to testify on this measure.

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

February 16, 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: House Bill (HB) 1245 Relating to Fireworks Infractions

I am David C. Thyne, member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC and the MFD support HB 1245, which proposes to expeditiously adjudicate fireworks violators arrested and charged, including juveniles.

The SFC and the MFD fully support efforts to streamline cases related to fireworks. This may benefit law enforcement in their efforts to arrest fireworks violators, knowing that those cases will not be prolonged in the judicial system. 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. Subjecting violators to higher penalties may serve as a better deterrent to the illegal use of fireworks.

The general welfare, public safety, and property protection are priorities for the SFC and the MFD, and we respectfully request your committee's passage of HB 1245.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Thyne".

DAVID C. THYNE
Fire Chief



improving the quality of lives of pets and their people.

Testimony by Alicia Maluafiti, Board President Poi Dogs & Popoki
In strong support of HB 1245 HD 1 - Relating to Fireworks Infractions
House Committee on Judiciary and Hawaiian Affairs
Tuesday, February 16, 2 pm

Aloha Chair Nakashima and members of the Committee,

Poi Dogs & Popoki (PDP) is a nonprofit animal welfare organization with a mission to help people and their pets. We are in strong support of HB 1245 HD 1. This bill is a necessary tool for families tired of illegal fireworks – especially illegal aerials.

In 2019, Governor Ige signed into law a bill that would allow neighbors to report the property where illegal fireworks were being used. The biggest problem is that many of us know WHERE the illegals are originating from, but do NOT know who is lighting the fuse. This year – illegals started in September. It used to be Halloween. By Thanksgiving Day, it's a daily occurrence, and leading up to New Year's Eve, it's a constant barrage. On Super Bowl Sunday, bombs went off starting at 4 pm till about 10 pm. And for no apparent reason at all – we get bombs now on most weekends.

Our biggest problem is the failure of HPD to respond to violations. I called 911 at least 10 times on properties where I personally witnessed illegal aerials and agreed to be a witness. On 8 of the 10 occasions, HPD never even showed up to take the report. On the other two police reports that I WAS able to file, the officer lied to me that he was headed to the home to cite the homeowner. He never showed up. He left the scene and never came back. I know this because I sat and watched for over 30 minutes. The property was 6 houses down from me. To date – I am waiting on the ONLY citation that was issued in which I confronted the two people and called 911 while standing in front of their rental at 10 pm at night.

More than any other year – I have seen on social media an overwhelming number of people sick and tired of the bombs. It has nothing to do with culture. Or tradition. It doesn't matter if you were born and raised here or just moved here. Comments were posted by a mom with a disabled child. A wife whose husband has PTSD. A family caring for an aging parent. And many, many of us with pets who have our lives disrupted because of entertainment.

Recommendations by lawmakers that making aerials legal are out of touch. These violators don't follow the law now! Legalizing aerials will give them carte blanche to blow up our communities year round with no respite in site. Entertainment does NOT trump quality of life.