

**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

S.B. NO. 3194, S.D. 1, RELATING TO THE ENFORCEMENT OF LAWS.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Thursday, February 24, 2022 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 211, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Adrian Dhakhwa,
Deputy Attorney General, at 808-586-1160)

Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General (Department) offers the following comments on this bill.

The purposes of this bill are to (1) incorporate new fireworks infractions into the existing traffic and emergency order citation system in chapter 291D, Hawaii Revised Statutes; (2) amend the fines for certain fireworks violations; (3) clarify what constitutes a separate violation; (4) increase the penalty for removing or extracting pyrotechnic contents; (5) authorize the Sheriff Division to enforce the fireworks control law; (6) require the Attorney General to establish an explosion detection technology working group; (7) require the Department of Public Safety to develop and implement a web-based reporting tool for illegal fireworks; and (8) make an appropriation.

The bill would require that the attorney general establish an explosion detection technology working group to study the feasibility of buying and using explosion detection technology for the purpose of assisting the police department in each county having a population of more than 500,000 in locating and responding to explosions caused by the illegal use of firearms and fireworks.

As provided in part III, section 7, page 10, line 16, through page 11, line 9, the members of the working group shall include: the Attorney General; the chief of police and prosecuting attorney of each county having a population of more than 500,000; and each member of the State Fire Council.

The Department suggests allowing the Attorney General, the chief of police, and the prosecuting attorney to appoint their designee to provide greater flexibility and availability for the working group.

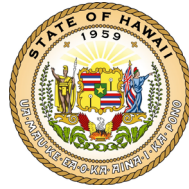
The Department proposes inserting the following wording (page 11, lines 4-8):

- (1) Attorney general or the attorney general's designee;
- (2) Chief of the police department of each county having a population of more than five hundred thousand, or the chief's designee; and
- (3) Prosecuting attorney of each county having a population of more than five hundred thousand, or the prosecuting attorney's designee; and

The Department appreciates the opportunity to provide comments.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
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Phone: (808) 586-8844 / Fax: (808) 586-9099
Email: dlir.director@hawaii.gov

February 22, 2022

The Honorable Donovan Dela Cruz, Chair
Committee on Ways and Means
The State Senate
State Capitol, Room 208
Honolulu, Hawaii 96813

Dear Chair Dela Cruz:

Subject: Senate Bill (SB) 3194, Senate Draft (SD) 1, Relating to the Enforcement of Laws

I am Steven Goble, Chair of the Hawaii State Fire Council (SFC). The SFC supports SB 3194, SD 1, which establishes an expeditious adjudication system for the processing of fireworks infractions and increases the fine for certain fireworks violations.

There is a general sense that the use of illegal fireworks and improvised explosive devices have substantially increased in recent years. A search of youtube.com using the term "aerial fireworks Hawaii New Years" reveals pervasive use of illegal aerial fireworks in many neighborhoods. As a consequence, serious injuries, property damage, and fatalities have occurred.

The SFC supports legislation to enhance and improve the judicial system in prosecuting the illegal use of fireworks. The general welfare, public safety, and property protection are priorities for the SFC and we respectfully request your committee's passage of SB 3194, SD 1.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 723-7169 or glum@honolulu.gov.

Sincerely,

STEVEN GOBLE
Chair

SG/GL

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON
SENATE BILL NO. 3194, S.D. 1

February 24, 2022
10:00 a.m.
Room 211 and Videoconference

RELATING TO THE ENFORCEMENT OF LAWS

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill No. 3194, S.D. 1, sets forth alternative enforcement mechanisms to promote compliance with the fireworks control law and establishes an expeditious adjudication system for the processing of fireworks infractions.

In addition to increasing the fine for certain fireworks violations and clarifying what constitutes a separate violation, more specifically this measure: 1) incorporates the new fireworks citations into the existing traffic and emergency order citation systems under Chapter 291D, HRS; 2) implements the recommendations of the 2010 Illegal Fireworks Task Force; 3) authorizes the Sheriff Division of the Department of Public Safety (PSD) to enforce fireworks laws; 4) requires the Department of the Attorney General to establish an explosion detection technology working group; and 5) requires PSD to develop and implement a web-based tool for citizens to report illegal fireworks that provides county law enforcement with additional data to enforce the applicable fireworks laws.

This bill makes unspecified general fund appropriations in FY 23 for the Judiciary to update the Judiciary's information management system to implement the expedited adjudication process established in this bill and for PSD to develop and implement a statewide web-based reporting tool for illegal fireworks.

B&F notes that, with respect to the general fund appropriations in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working

with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

LATE

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

STEVEN S. ALM
PROSECUTING ATTORNEY

THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY



THE HONORABLE DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS
Thirty-first State Legislature
Regular Session of 2022
State of Hawai'i

February 24, 2022

RE: S.B. 3194, S.D. 1; RELATING TO THE ENFORCEMENT OF LAWS.

Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Senate Committee on Ways and means, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in **support** of S.B. 3194, S.D. 1.

If passed, S.B. 3194, S.D. 1, would implement 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.

While it may seem counterintuitive to lower the severity of certain illegal fireworks offenses—in order to increase enforcement—the Department believes that this may actually be a more effective enforcement tool for law enforcement, in this instance, than the current misdemeanor-level fireworks offenses. Given various evidentiary issues that have arisen in court, the Department is willing to try this new approach to fireworks enforcement, so long as offenses involving larger amounts of fireworks, and illegal importation or distribution, continue to be misdemeanors or felonies.

With regards to the specific offenses that could be handled under the proposed adjudication procedures—as fireworks infractions—the Committees may want to consider an alternative approach. Rather than encompassing all fireworks offenses of an unspecified severity (see page 7, lines 1-6), perhaps a third—lighter—weight-class could be established under HRS §132D-14(a)(2) (see page 5, line 11, through page 6, line 6), as those appear to be most amenable to an infraction-level offense. In general, HRS §132D-14(a)(2) prohibits:

- Purchasing, possessing, setting off, igniting or discharging aerial devices, display fireworks, or articles pyrotechnic without a valid permit...

- [S]toring, selling, or possessing aerial devices, display fireworks, or articles pyrotechnic without a valid license...or
- [A]llowing an individual to possess, set off, ignite, or otherwise cause to explode any aerial device...

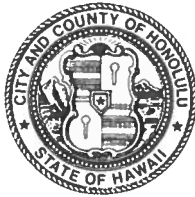
The Department does note that “selling” aerial devices, display fireworks, or articles pyrotechnic without a license seems more appropriately classified as a misdemeanor or felony offense, even though it is currently included under HRS §132D-14(a)(2), but that would be a matter of policy.

Due to serious, ongoing concerns regarding the dangers and nuisance presented by illegal fireworks in our communities, the Department shares the Committees’ desire to hold offenders accountable and will continue to do its part in the enforcement process. In general, the Department is very open to discussing new approaches or even new technology that may improve upon enforcement mechanisms, and is always happy to work with other stakeholders in this regard.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **supports** the passage of S.B. 3194, S.D. 1, Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.gov



RICK BLANGIARDI
MAYOR

RADE K. VANIC
INTERIM CHIEF

OUR REFERENCE GB-RG

February 24, 2022

The Honorable Donovan M. Dela Cruz, Chair
and Members
Committee on Ways and Means
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 211
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Members:

SUBJECT: Senate Bill No. 3194, S.D. 1, Relating to the Enforcement of Laws

I am Major Gail Beckley of District 8 (Ewa/Kapolei/Waianae) of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 3194, S.D. 1, Relating to the Enforcement of Laws, with concerns.

The HPD recognizes that the use of fireworks poses a serious public health and safety hazard. However, there are concerns about requiring the Department of the Attorney General to establish an explosion detection technology working group that would include the HPD.


In addition, this bill will require the HPD to be part of developing and implementing a statewide web-based reporting tool for the enforcement of illegal fireworks. There are just too many fireworks being set off throughout the island and it would overburden the patrol districts. This bill will also require additional resources from the HPD to be part of this working group to track and monitor the reporting system, report the fireworks to the Communications Division, and check on the area where the fireworks were detected. These are resources that we currently do not have.

The Honorable Donovan M. Dela Cruz, Chair
and Members
February 24, 2022
Page 2

The HPD respectfully opposes Senate Bill No. 3194, S.D. 1, Relating to the Enforcement of Laws, with concerns.

Thank you for the opportunity to testify.

Sincerely,


for Gal Beckley, Major
District 8

APPROVED:



Rade K. Vanic
Interim Chief of Police

HONOLULU FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

636 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

LATE

RICK BLANGIARDI
MAYOR



SHELDON K. HAO
FIRE CHIEF

JASON SAMALA
DEPUTY FIRE CHIEF

February 23, 2022

The Honorable Donovan Dela Cruz, Chair
Committee on Ways and Means
The State Senate
State Capitol, Room 208
Honolulu, Hawaii 96813

Dear Chair Dela Cruz:

Subject: Senate Bill (SB) 3194, Senate Draft (SD) 1 Relating to the Enforcement of Laws

My name is Sheldon K. Hao, Fire Chief of the Honolulu Fire Department (HFD). The HFD supports SB 3194, SD 1, which establishes an expeditious adjudication system for the processing of fireworks infractions and increases the fine for certain fireworks violations.

A search of aerial fireworks in Hawaii via a major video-sharing website reveals pervasive use of illegal aerial fireworks in many neighborhoods thereby confirming the use of illegal fireworks and improvised explosive devices have substantially increased in recent years. As a consequence, serious injuries, property damage, and fatalities have occurred.

The HFD supports legislation to enhance and improve the judicial system in prosecuting the illegal use of fireworks.

The general welfare, public safety, and property protection are priorities for the HFD, and we respectfully request your committee's passage of SB 3194, SD 1.

Should you have questions, please contact Administrative Specialist Gary Lum at 808-723-7169 or glum@honolulu.gov.

Sincerely,

A handwritten signature in cursive script that reads "Sheldon K. Hao".

SHELDON K. HAO
Fire Chief

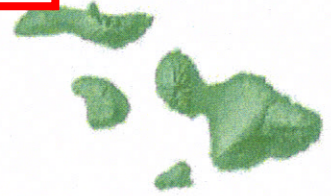
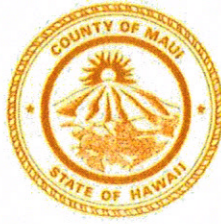
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LATE

MICHAEL P. VICTORINO
Mayor

BRADFORD K. VENTURA
Fire Chief

GAVIN L.M. FUJIOKA
Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY

COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, HI 96732

February 22, 2022

The Honorable Donovan Dela Cruz, Chair
Committee on Ways and Means
The State Senate
State Capitol, Room 208
Honolulu, Hawaii 96813

Dear Chair Dela Cruz:

Subject: Senate Bill (SB) 3194, Senate Draft (SD) 1, Relating to the Enforcement of Laws

I am Bradford Ventura, member of the Hawaii State Fire Council (SFC) and Chief to the Maui Fire Department. The SFC supports SB 3194, SD 1, which establishes an expeditious adjudication system for the processing of fireworks infractions and increases the fine for certain fireworks violations.

There is a general sense that the use of illegal fireworks and improvised explosive devices have substantially increased in recent years. A search of youtube.com using the term "aerial fireworks Hawaii New Years" reveals pervasive use of illegal aerial fireworks in many neighborhoods. As a consequence, serious injuries, property damage, and fatalities have occurred.

The SFC supports legislation to enhance and improve the judicial system in prosecuting the illegal use of fireworks. The general welfare, public safety, and property protection are priorities for the SFC and we respectfully request your committee's passage of SB 3194, SD 1.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 723-7169 or glum@honolulu.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Ventura".

BRADFORD K. VENTURA
Fire Chief



Hawaiian Humane Society
People for animals. Animals for people.

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

Date: Feb. 21, 2022

To: Chair Sen. Donovan M. Dela Cruz
Vice Chair Sen. Gilbert S.C. Keith-Agaran
and Members of the Committee on Ways and Means

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

RE: Testimony in support of SB 3194, SD1: Relating to the Enforcement of Laws
Thursday, Feb. 24, 2022, 10:00 a.m., Via Videoconference

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for Senate Bill 3194, SD1, which establishes an expeditious adjudication system for the processing of fireworks infractions, increases the fireworks display permit fee and 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, and requires the Department of Public Safety to develop and implement a web-based reporting tool for illegal fireworks.

Hawaiian Humane supports any attempt to remove fireworks from residential neighborhoods by keeping these dangerous products out of our state entirely and/or enhancing enforcement, but we particularly like this bill. It takes a multifaceted approach to this complex issue and seems extremely well considered in its strategies.

Hawaiian Humane has long educated our community about keeping pets safe from the terror of fireworks around New Years and July 4, but these bombs increasingly go off for months at a time. That makes it impossible for pet owners to prepare and creates sustained stress on people and animals, doing lasting damage to their 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 SB3194, SD1. Mahalo for your consideration.

SB-3194-SD-1

Submitted on: 2/19/2022 1:26:44 PM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Oppose	No

Comments:

The sherif already has the authority so what the hell are you saying. You people are just two stupied to be making bills!!

SB-3194-SD-1

Submitted on: 2/21/2022 7:04:27 PM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ruta Jordans	Individual	Support	No

Comments:

Strongly support! Fireworks must be eradicated from Hawaii. They are an unnecessary release of greenhouse gasses (along with all their other negatives). We are in a climate emergency and cannot be releasing greenhouse gasses for such wasteful purpose.

LATE

SB-3194-SD-1

Submitted on: 2/23/2022 11:57:18 AM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Beverly Heiser	Individual	Support	No

Comments:

Aloha Chair and Committee Members,

Please support SB3194.

I have joined a forum called STOP All (Illegal) Fireworks that was formed on a social networking service for neighborhoods called NextDoor. The group currently has 94 members.

My family does NOT do fireworks of any kind. Yet every New Year's day DEBRIS from ILLEGAL fireworks from New Year's Eve lay scattered over our entire yard. Some land on our roof and wash down our gutters. I have dogs and these debris contain TOXIC chemicals that can cause illness if ingested. Thus I spend hours cleaning up the mess.

These toxic chemicals that often contain heavy metals are being dispersed in our environment and pollute our air, water, and soil. They cause harm to people, pets, and wildlife.

The problem has increased over the years and is out of control. There is increased noise and life changing injuries. Tradition should not sound or look like a war zone.

I favor a TOTAL BAN on all types of fireworks, but at the least this type of ILLEGAL activity should be stopped.

Thank you for letting me testify. Please support SB3194.

LATE

SB-3194-SD-1

Submitted on: 2/23/2022 1:32:25 PM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Samuel Mitchell	Individual	Support	No

Comments:

I support SB-3194 SD1 which authorizes the State Sheriff's Department to help enforce the fireworks control laws. And I also agree that some of the Fireworks offenders should be sent to traffic court.

I'm happy that you talked about Shotspotter and using Drones to record Skyrocket users.

Because the Nextdoor Stop all illegal fireworks group talked about a lot of these issues and it was great to hear that someone was paying attention. But if these changes do not work we may need to switch Hawaii to Safe and Sane Fireworks.

The only thing that may need to change is the weight requirement for higher fireworks charges because Pyro's are now getting firework-making kits in the mail.

Samuel Mitchell Makiki NB-10 & Nextdoor Pau Firework Now 808-521-8587