



## Hawaiian Humane Society

People for animals. Animals for people.

2700 Waiālae Avenue Honolulu, Hawaii 96826  
808.356.2200 • [HawaiianHumane.org](http://HawaiianHumane.org)

Date: Feb. 14, 2022

To: Chair Sen. Clarence Nishihara, Vice Chair Sen. Lynn DeCoite  
and Members of the Committee on  
Public Safety, Intergovernmental, and Military Affairs  
Chair Sen. Karl Rhoads, Vice Chair Sen. Jarrett Keohokalole  
and Members of the Committee on Judiciary

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

RE: Testimony in support of SB 3194: Relating to the Enforcement of Laws  
Tuesday, Feb. 15, 2022, 2 p.m., Via Videoconference

---

On behalf of the Hawaiian Humane Society, thank you for considering our support for Senate Bill 3194, 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. Mahalo for your consideration.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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

**LATE**

RICK BLANGIARDI  
MAYOR



RADE K. VANIC  
INTERIM CHIEF

OUR REFERENCE **GB-RG**

February 15, 2022

The Honorable Clarence K. Nishihara, Chair  
and Members  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chairs Nishihara and Rhoads and Members:

**SUBJECT: Senate Bill No. 3194, 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, 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 Attorney General to establish an explosion detection technology working group which would include the HPD.

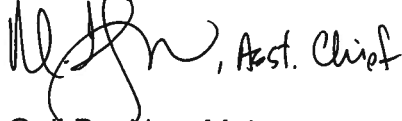
In addition, this bill will require the HPD to be part of developing and implementing a statewide web-based reporting tool for the enforcement of illegal fireworks. There are just too many fireworks being set off throughout the island and it would overburden the patrol districts. This bill will also 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 Clarence K. Nishihara, Chair  
and Members  
The Honorable Karl Rhoads, Chair  
and Members  
February 15, 2022  
Page 2

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

Thank you for the opportunity to testify.

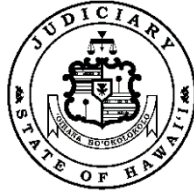
Sincerely,

 , Asst. Chief

for Gail Beckley, Major  
District 8

APPROVED:

  
\_\_\_\_\_  
Rade K. Vanic  
Interim Chief of Police



*The Judiciary, State of Hawai'i*

**Testimony to the Thirty-First State Legislature, 2022 Regular Session**

**Senate Committee on Public Safety,  
Intergovernmental, and Military Affairs**

Senator Clarence K. Nishihara, Chair  
Senator Lynn DeCoite, Vice Chair

**Senate Committee on Judiciary**

Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair

Tuesday, February 15, 2022, 2:00 p.m.  
Via Videoconference

**WRITTEN TESTIMONY ONLY**

By:

Michelle D. Acosta  
Deputy Chief Court Administrator  
District Court of the First Circuit

---

**Bill No. and Title:** Senate Bill No. 3194, Relating to the Enforcement of Laws.

**Purpose:** 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. Requires the Department of Public Safety to develop and implement a web-based reporting tool for illegal fireworks. Appropriates moneys.

**Judiciary's Position:**

The Judiciary appreciates the opportunity to provide comments on this measure. The Judiciary takes no position on the merits of the bill and recognizes the impact of illegal fireworks on the community.



Senate Bill No. 3194, Relating to the Enforcement of Laws  
Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
Senate Committee on Judiciary  
Tuesday, February 15, 2022  
Page 2

In response to the COVID-19 pandemic, legislation was passed in 2021 to create an “emergency period infraction.” Act 185 of the 2021 Legislative Session created the infraction within Section 127A-29, Hawai‘i Revised Statutes (HRS) and within Chapter 291D. Expansion of Chapter 291D, rather than creation of an entirely new chapter, proved to be an effective vehicle for implementation. The approach enabled law enforcement agencies to temporarily utilize traffic infraction citation forms for the issuance of emergency period infractions. The approach also enabled the Judiciary to adjudicate emergency period infractions in the same manner as traffic infractions. Due to the coordination and collaborative efforts between numerous stakeholders, Act 185 was successfully implemented last year. Based on this experience, the Judiciary believes that the same framework can be used as a guide to achieving a similar fireworks infraction, and suggests that the bill be amended accordingly. The Judiciary would also suggest that a set fine be established for the fireworks infraction rather than a variable amount, as a set fine will allow for the ease of payment. In addition, the Judiciary Information Management System (JIMS) may easily be configured to allow for a straightforward implementation process.

Thank you for the opportunity to testify on this measure.

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 COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL,  
AND MILITARY AFFAIRS AND JUDICIARY  
ON  
SENATE BILL NO. 3194

**February 15, 2022**  
**2:00 p.m.**  
**Via Videoconference**

RELATING TO THE ENFORCEMENT OF LAWS

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

Senate Bill No. 3194 sets forth alternative enforcement mechanisms to promote compliance with the fireworks control law by: 1) establishing an expeditious adjudication system for processing fireworks infractions; 2) implementing the recommendations of the 2010 Illegal Fireworks Task Force; 3) authorizing the Sheriff Division of the Department of Public Safety (PSD) to enforce fireworks laws; 4) requiring the Department of the Attorney General to establish an explosion detection technology working group; and 5) requiring 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 KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY**

**THE HONORABLE CLARENCE NISHIHARA, CHAIR  
SENATE COMMITTEE ON PUBLIC SAFETY,  
INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

**Thirty-First State Legislature  
Regular Session of 2022  
State of Hawai`i**

February 15, 2022

**RE: S.B. 3194; RELATING TO THE ENFORCEMENT OF LAWS.**

Chair Rhoads, Chair Nishihara, Vice Chair Keohokalole, Vice Chair DeCoite, members of the Senate Committee on Judiciary, and members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in **support** of S.B. 3194, with **suggested amendments**.

If passed, S.B. 3194 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 approach to creating “fireworks infractions,” in Part II of S.B. 3194 (starting on page 5), the Department believes those procedures would be better



situated as a new chapter under Hawaii Revised Statutes (“HRS”), Title 38: Procedural and Supplementary Provisions, instead. The HRS chapters under Title 38 largely cover court procedures and other court-related programs and entities.

With regards to the specific offenses that could be handled under the proposed adjudication procedures—as fireworks infractions—the Committees may also want to consider an alternative approach. Rather than encompassing all fireworks offenses of an unspecified severity (see page 39, line 17, through page 40, line 1), perhaps a third—lighter—weight-class could be established under HRS §132D-14(a)(2), 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 would 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).

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, with **suggested amendments**. Thank you for the opportunity to testify on this matter.

**SB-3194**

Submitted on: 2/11/2022 5:24:38 PM

Testimony for JDC on 2/15/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Gerard Silva	Individual	Oppose	No

Comments:

FireWorks Needs to be Ligal like when I was growing up in Hawaii. The Idiots that made it eligal are the ones that need to be Aressted, The Police Work for the People they sware to that.

Get Ride of the Idiots in Government!!

**SB-3194**

Submitted on: 2/11/2022 5:37:09 PM

Testimony for JDC on 2/15/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Lynn Murakami Akatsuka	Individual	Support	No

Comments:

To Senate Committee on Public Safety, Intergovernmental, and Military Affairs and Senate Committee on Judiciary,

I strongly support the passage of SB 3194 which is a comprehensive bill in addressing the problem of illegal fireworks and dangerous fireworks infractions. This is a public health problem and it has a multi-pronged approach. I am glad that the Sheriff Division is authorized to enforce the fireworks control law as it will provide additional enforcement personnel to work with the Honolulu Police Department.

Thank you for the opportunity to testify in strong support of SB 3194.

**SB-3194**

Submitted on: 2/11/2022 6:15:10 PM

Testimony for JDC on 2/15/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Cathy Goeggel	Individual	Support	No

Comments:

Animal Rights Hawai'i strongly supports SB3194

**SB-3194**

Submitted on: 2/11/2022 7:39:19 PM

Testimony for JDC on 2/15/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Alan Urasaki	Individual	Support	No

Comments:

I stand in support of this measure. Thank you.

**SB-3194**

Submitted on: 2/12/2022 2:55:47 AM

Testimony for JDC on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
tristin manuel	Individual	Oppose	No

Comments:

Aloha,

My names Tristin Manuel, 4th generation Kailua Resident and native Hawaiian. I want to express that I agree with ALL of this Bill, EXCEPT, raising the Fireworks Display Permit! This means you are penalizing THE ONLY PEOPLE ABIDING BY THE LAW! Fireworks are so easy to get without a permit, its easier than getting a covid test appointment. seriously.

BUT, my family chooses to spend \$25 online and get a permit, even pop only during allowed time and not all damn day, do it right, and buy from a retailer. And youre gonna stick ME, and people like me with the bill by raising the permit price. I can see people deciding NOT to get a permit next year, why? Price raise, no one cares? police dont care? The fireworks are coming in from STATE WORKERS, anyway check your port workers, HPD, Ag, and DLNR. Im not even joking, everyone knows it, except you guys OR you do know and in on the corruption.(we see the senate/house still crawling with corrupt lawmakers, ie cullen and the other guy recently)

If its a budget thing, then CITE the illegal poppers! Yes get out there, full force in waipahu, Ewa, central side..seriously i saw people blocking the street with cakes (20 shots/aerial) and a cop drove by..lol now i dont care people pop, it doesn't bother me, im old and have lived here long time and remember the good ol days. But, its comical that the police will literally drive pass and not do anything.

How in the heck, after thousands and thousands of fireworks going off this new year,(October-feb) only 1 arrest/seize? just 1? lol see no one cares. - every year only 1 goes to jail, just to justify the "task force" and show they "care", nope , authorities and powers that be - dont care.

Anyway CITE & PROSECUTE- and get the \$5000 or whatever the fine is. Get your money that way, and not by me & fellow abiding citizens! and tell the judge STOP DROPPING CHARGES! i dont get it, yall say you care, and then when it gets to enforcement and judicial system, Ala Ala'z- nothin'! you know why, no one cares or paid to "look the other way".

**SB-3194**

Submitted on: 2/12/2022 3:51:25 PM

Testimony for JDC on 2/15/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
lynne matusow	Individual	Comments	No

## Comments:

I support legislation that will crack down on illegal fireworks, but doubt this measure will be of any use. These illegal noise makers, fire starters, threat to human and animal life, need to be stopped at the source. The cargo needs to be seized at the ports, before it is unloaded from ships. The shipping companies and their agents should be fined, heavily. \$150 is chump change to those who violate the law.

**SB-3194**

Submitted on: 2/13/2022 1:05:54 PM

Testimony for JDC on 2/15/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Judy Howard	Individual	Support	No

Comments:

This bill does not go anywhere near far enough, or focus on the most effective way of reducing the use of illegal fireworks.

At the moment, police don't even bother responding to complaints, and the only explanation I have heard is that they don't think the complainants will appear in court. I always thought thought that was a concern for prosecutors.

I doubt this bill will result in any greater enforcement efforts, but there may be an incremental improvement.

What we really need is sniffer dogs at the ports, handled by people with no ties to Hawaii. If we focused our resources on such a program, the costs would probably be less, and the results much better, than the proposed bill.

Nonetheless, I support this bill if it is the best the legislature can do this year.

Mahalo.