

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



JORDAN LOWE  
DIRECTOR

MICHAEL VINCENT  
Deputy Director  
Administration

SYLVIA LUKE  
LT GOVERNOR  
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII  
**DEPARTMENT OF LAW ENFORCEMENT**

*Ka 'Oihana Ho'okō Kānāwai*

715 South King Street  
Honolulu, Hawaii 96813

JARED K. REDULLA  
Deputy Director  
Law Enforcement

TESTIMONY ON SENATE BILL 2093

RELATING TO FIREWORKS

Before the Senate Committee on

Public Safety and Intergovernmental and Military Affairs

Wednesday, January 24, 2024; 3:01 p.m.

State Capitol Conference Room 225, Via Videoconference

Testifier: Michael Vincent

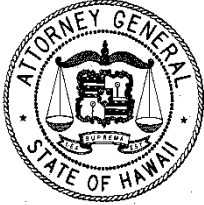
Chair Wakai, Vice Chair Elefante, and members of the Committee:

The Department of Law Enforcement (DLE) strongly supports, Senate Bill 2093.

Act 67, Session Laws of Hawai'i, 2023, established the Illegal Fireworks Task Force to ". . . plan, coordinate, and engage in law enforcement operations to interdict illegal fireworks; develop a comprehensive strategic plan to stop the importation of illegal fireworks and explosives into Hawaii; promote compliance with the state fireworks control laws; and ensure the safety and security of the airports, harbors, and other facilities and institutions in the State against the discharge of illegal fireworks and explosives."

The Illegal Fireworks Task force has been operational for a very short time, but following the organization of the partner agencies, appropriate training, and law enforcement operations, almost 150,000 pounds of illegal fireworks have been taken off the streets of Hawaii and operations and investigations continue. This bill establishes a series of provisions to address some of the weaknesses identified by the Illegal Fireworks Task Force which include requirements for licensing, recording, and reporting of fireworks related commodities; inspection and disposal authorities for state and county agencies; and a mechanism to recover costs associated with the storage and disposal from those responsible for any illegal fireworks confiscated by authorities.

Thank you for the opportunity to testify in support of this bill.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2024**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2093, RELATING TO FIREWORKS.

**BEFORE THE:**

SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND  
MILITARY AFFAIRS

**DATE:** Wednesday, January 24, 2024      **TIME:** 3:01 p.m.

**LOCATION:** State Capitol, Room 225 and Videoconference

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Brenton A. Inouye, Deputy Attorney General

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Chair Wakai and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill.

The purposes of this bill are to: (1) allow the Department of Law Enforcement (DLE) and the county fire departments to enter and inspect the premises of a holder of a fireworks license or permit without a warrant; (2) require license and permit holders to maintain records of their fireworks inventory; (3) require license and permit holders to report to DLE and the county fire department if the holder's inventory is stolen; (4) create procedures and fines for storing and disposing of prohibited fireworks; and (5) further define penalties for importing, selling, possessing, or igniting prohibited fireworks.

In general, searches of persons and their property must be supported by probable cause that a crime has been committed and authorized by a search warrant. See U.S. Const. amend. IV and Haw. Const. art. I, § 7. However, the United States Court of Appeals for the Ninth Circuit has permitted "searches conducted as part of a general regulatory scheme, done in furtherance of administrative goals, rather than to secure evidence of a crime . . . without a particularized showing of probable cause." *United States v. Bulacan*, 156 F.3d 963, 967 (9th Cir. 1998).

With respect to the new section to be added to chapter 132D, Hawaii Revised Statutes (HRS), on page 1, line 10, to page 2, line 20, of the bill, we suggest the following amendments to conform with the requirements for warrantless, administrative searches. First, we suggest deleting page 2, lines 4-20, of the bill because obstructing government operations is already a criminal offense. See section 710-1010, HRS. In its place, we suggest amending the bill so that any holder of a license or permit who refuses entry or access to the premises shall be found in violation of the conditions of the license or permit, and the license or permit shall be revoked subject to a hearing under chapter 91, HRS. Second, we suggest amending the bill so that the private residences of a licensee or permittee are excluded from warrantless searches. Third, we suggest amending sections 132D-8 and 132D-9, HRS, to add wording that applying for a license or permit constitutes consent to the administrative inspections, and that withdrawing consent for the inspections will result in the revocation of the license or permit.

With respect to the new section, "Administrative inspections," to be added to chapter 132D, HRS, on page 3, line 1, to page 4, line 19, of the bill, we suggest stating that the regulatory authority under chapter 132D shall remain with the county fire departments and that DLE is aiding the county fire departments' exercise of their authority by conducting these searches. This added wording strengthens the justification for DLE's warrantless searches, because the county fire departments are primarily responsible for regulating fireworks under chapter 132D, HRS.

With respect to the new section, "Storage and disposal fine," to be added to chapter 132D, HRS, on page 7, line 18, to page 8, line 10, of the bill, we note that allowable criminal fines and costs may be insufficient to cover the government's actual costs. We therefore suggest changing the sentence that starts on page 8, line 4, and ends on page 8, line 7, of the bill to read, "An administrative or civil order to pay a storage and disposal fine may be collected in the same manner as a judgment in a civil action."

Finally, this bill also adds a new subsection to section 132D-14, HRS, on page 11, lines 11-15, which makes each unopened case and each separate firework that is

not part of an unopened case a separate violation. We suggest amending the bill to further define what an "unopened case" means according to this chapter.

Thank you for the opportunity to provide these comments.

JOSH GREEN, M.D.  
GOVERNOR

SYLVIA LUKE  
LIEUTENANT GOVERNOR



JADE T. BUTAY  
DIRECTOR

WILLIAM G. KUNSTMAN  
DEPUTY DIRECTOR

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
KA 'OIHANA PONO LIMAHANA  
830 PUNCHBOWL STREET, ROOM 321  
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January 19, 2024

The Honorable Glenn Wakai, Chair  
Committee on Public Safety and  
Intergovernmental and Military Affairs  
State Senate  
State Capitol, Room 407  
Honolulu, Hawaii 96813

Dear Chair Wakai:

Subject: Senate Bill (SB) 2093 Relating to Fireworks

I am Kazuo Todd, Chair of the Hawaii State Fire Council (SFC). The SFC supports SB2093, which establishes jurisdiction for the Department of Law Enforcement over enforcement of chapter 132D, HRS, relating to illegal fireworks.

The SFC supports this measure, which provides the means and funds for the Department of Law Enforcement to work with county fire departments to enter and inspect premises of persons licensed or permitted to hold, store, or use fireworks and articles pyrotechnic to prohibit illegal use.

The widespread use of illegal fireworks endangers the public. Members of the public experienced firework-related injuries during recent New Year's Eve celebrations about three weeks ago in Honolulu. The Emergency Medical Services (EMS) responded to at least eight incidents, including eye injuries, serious burns, and more. Six out of the eight cases resulted in permanent disfigurement, involving the loss of limbs and eyesight. The age of victims ranged from six-years old to senior citizens. A 28 year-old male suffered a fatal head injury from fireworks on New Year's Eve 2022-2023.


Indeed, every New Year's Eve, first responder agencies throughout the state experience high operational tempo from fireworks misuse; with incident call volume occasionally exceeding available resources. The Honolulu Fire Department responded to 23 fireworks-related fires from 8 a.m. on Dec. 31 and 8 a.m. on Jan. 1. The department responded to eight fireworks-related blazes during the same time period of 2022 to 2023. According to the National Fire Protection Association, fireworks cause more than 19,500 fires each year.

The Honorable Glenn Wakai, Chair  
Page 2  
January 19, 2024

To improve fire safety and reduce the potential for serious fireworks-related injuries throughout Hawaii, the SFC urges your committee's support on the passage of SB2093.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 723-7169 or [glum@honolulu.gov](mailto:glum@honolulu.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Kazuo Todd", written in a cursive style.

KAZUO TODD  
Chair

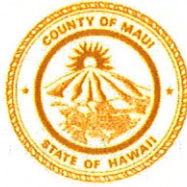
KT/GL:

**RICHARD T. BISSEN, JR.**  
Mayor

**JOSIAH K. NISHITA**  
Managing Director

**BRADFORD K. VENTURA**  
Fire Chief

**GAVIN L.M. FUJIOKA**  
Deputy Fire Chief



**DEPARTMENT OF FIRE & PUBLIC SAFETY**  
COUNTY OF MAUI  
200 DAIRY ROAD  
KAHULUI, MAUI, HAWAII 96732  
[www.mauicounty.gov](http://www.mauicounty.gov)

January 22, 2024

The Honorable Glenn Wakai, Chair  
Committee on Public Safety and  
Intergovernmental and Military Affairs  
State Senate  
State Capitol, Room 407  
Honolulu, HI 96813

Dear Chair Wakai,

**SUBJECT: SENATE BILL (SB) 2093 RELATING TO FIREWORKS**

I am Bradford K. Ventura, member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department. The SFC supports SB2093, which establishes jurisdiction for the Department of Law Enforcement over enforcement of chapter 132D, HRS, relating to illegal fireworks.

The SFC supports this measure, which provides the means and funds for the Department of Law Enforcement to work with county fire departments to enter and inspect premises of persons licensed or permitted to hold, store, or use fireworks and articles pyrotechnic to prohibit illegal use.

The widespread use of illegal fireworks endangers the public. Members of the public experienced firework-related injuries during recent New Year's Eve celebrations about three weeks ago in Honolulu. The Emergency Medical Services (EMS) responded to at least eight incidents, including eye injuries, serious burns, and more. Six out of the eight cases resulted in permanent disfigurement, involving the loss of limbs and eyesight. The age of victims ranged from six-years old to senior citizens. A 28-year old male suffered a fatal head injury from fireworks on New Year's Eve 2022-2023.

Indeed, every New Year's Eve, first responder agencies throughout the state experience high operational tempo from fireworks misuse; with incident call volume occasionally, exceeding available resources. The Honolulu Fire Department responded to 23 fireworks-related fires from 8am on December 31 until 8am on January 1. The department responded to eight fireworks-related blazes during the same time period of 2022 to 2023. According to the National Fire Protection Association, fireworks cause more than 19,500 fires each year.

To improve fire safety and reduce potential for serious fireworks-related injuries throughout Hawaii, the SFC urges your committee's support on the passage of SB2093.

The Honorable Glenn Wakai, Chair  
January 22, 2024  
Page 2

If you have any questions, please contact SFC Administrative Specialist Gary Lum at (808) 723-7169 or [glum@honolulu.gov](mailto:glum@honolulu.gov).

Sincerely,

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

BRADFORD K. VENTURA  
Fire Chief



**SB-2093**

Submitted on: 1/21/2024 3:56:05 AM

Testimony for PSM on 1/24/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
David Fukuzawa	Individual	Support	Written Testimony Only

Comments:

Dear Honorable Senators:

I am in support of bill SB2093 regarding enforcement of illegal fireworks. I believe this past New Years was impacted by the efforts of the Sheriffs Department of the State of Hawaii. I live in Ewa Beach, and on New Years Eve, it did seem somewhat less than previous years. WE just need to have our Law Enforcement Agencies to be more active in their enforcement earlier in the year. Even though New Years Eve was less, the time before New Years was more than usual. We were hearing illegal fireworks being used daily from 4th of July all the way to New Years Eve and from Thanksgiving to New Years Eve, it was way too much and too often. In Ewa by Westloch Fairways, we were hearing them go off like clockwork from 2000 hrs to 2300 hrs. We were being bombarded from Waipahu and Ewa near our home. It was much too often, If the Sheriffs could make confiscations and arrests way before New Years, maybe it would have even a greater impact.

Mahalo,

David Fukuzawa

**HONOLULU FIRE DEPARTMENT  
KA 'OIHANA KINAI AHI O HONOLULU  
CITY AND COUNTY OF HONOLULU**

636 SOUTH STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 723-7139 • FAX: (808) 723-7111 • WEBSITE: honolulu.gov

**LATE**

RICK BLANGIARDI  
MAYOR  
MEIA



SHELDON K. HAO  
FIRE CHIEF  
LUNA NUI KINAI AHI  
  
JASON SAMALA  
DEPUTY FIRE CHIEF  
HOPE LUNA NUI KINAI AHI

January 23, 2024

The Honorable Glenn Wakai, Chair  
Committee on Public Safety and  
Intergovernmental and Military Affairs  
The State Senate  
State Capitol, Room 407  
Honolulu, Hawai'i 96813

Dear Chair Wakai:

Subject: Senate Bill (SB) 2093 Relating to Fireworks

I am Sheldon K. Hao, Fire Chief of Honolulu Fire Department (HFD). The HFD supports SB 2093, which establishes jurisdiction for the Department of Law Enforcement over enforcement of Chapter 132D, Hawai'i Revised Statutes, relating to illegal fireworks.

The HFD supports this measure, which provides the means and funds for the Department of Law Enforcement to work with county fire departments to enter and inspect premises of persons licensed or permitted to hold, store, or use fireworks and articles pyrotechnic to prohibit illegal use.

The widespread use of illegal fireworks endangers the public. Members of the public experienced firework-related injuries during recent New Year's Eve celebrations in Honolulu. The Honolulu Emergency Service Department's Emergency Medical Services (EMS) Division responded to at least eight incidents, including eye injuries, serious burns, and more. Six of the eight cases resulted in permanent disfigurement involving the loss of limbs and eyesight. The victims' ages ranged from six-years-old to senior citizens. A 28-year-old male suffered a fatal head injury from fireworks on New Year's Eve 2022-2023.

Indeed, every New Year's Eve, first responder agencies throughout the state experience high operational tempo from fireworks misuse with incident call volume occasionally exceeding available resources. The HFD responded to 23 fireworks-related fires from 8 a.m. on December 31, 2023, and 8 a.m. on January 1, 2024. The

The Honorable Glenn Wakai, Chair  
Page 2  
January 23, 2024

HFD responded to eight fireworks-related blazes during the same time period from 2022 to 2023. According to the National Fire Protection Association, fireworks cause more than 19,500 fires each year.

To improve fire safety and reduce the potential for serious fireworks-related injuries throughout Hawaii, the HFD urges your committee's support on the passage of SB 2093.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 723-7169 or [glum@honolulu.gov](mailto:glum@honolulu.gov).

Sincerely,

SHELDON K. HAO  
Fire Chief

SKH/GL:cn

**LATE**

**SB-2093**

Submitted on: 1/24/2024 11:12:44 AM

Testimony for PSM on 1/24/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

I oppose as written. There are constitutional issues in this bill that will be challenged. For example, Illegal search and seizures. The term Reasonable Ground is not the same as Articulate Probable Cause.

I dislike illegal arials but the law, if applied, must be Constitutionally sound.