

Honolulu, Hawaii
, 2024

FEB 07

RE: H.B. No. 2193
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2193 entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

begs leave to report as follows:

The purpose of this measure is to amend the State's Fireworks Control Law to:

- (1) Authorize officers with police powers and every county fire department officer to enter into or upon the premises of a licensee or permittee without a warrant to inspect for compliance with the Fireworks Control Law and establish penalties for hindering an officer;
- (2) Establish procedures for the Department of Law Enforcement to conduct administrative inspections of controlled premises;
- (3) Require licensees and permittees who hold, store, transport, sell, possess, or otherwise dispose of fireworks and articles pyrotechnic to keep records and maintain inventories;
- (4) Require licensees and permittees to report to the Director of Law Enforcement and appropriate county fire



chief if they have reason to believe fireworks or articles pyrotechnic were stolen, embezzled, or otherwise obtained by fraud or diversion;

- (5) Authorize a law enforcement agency or county fire department to safely dispose of confiscated fireworks;
- (6) Require violators to be held liable for storage and disposal costs;
- (7) Specify that each type of prohibited firework constitutes a separate violation;
- (8) Authorize the Department of Law Enforcement, in addition to the counties, to enforce the Fireworks Control Law; and
- (9) Appropriate funds.

Your Committee received testimony in support of this measure from the Department of Law Enforcement; Hawaiian Humane Society; Animal Interfaith Alliance in Britain; and numerous individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that in the short time the Illegal Fireworks Task Force has been operational, almost one hundred fifty thousand pounds of illegal fireworks have been confiscated. This measure addresses various weaknesses in the Fireworks Control Law as identified by the Illegal Fireworks Task Force.

Your Committee further finds that the Department of Law Enforcement submitted a proposed H.D. 1 to your Committee to address several legal concerns raised by the Department of the Attorney General. Your Committee encourages the Department of Law Enforcement and Department of the Attorney General to also examine potential overlap between certain provisions of this measure regarding inspections.

Your Committee has amended this measure by:



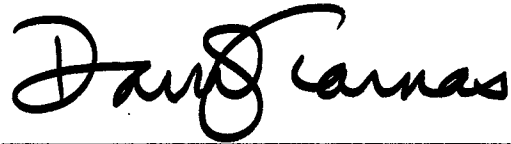
- (1) Adopting language proposed by the Department of Law Enforcement which clarifies various provisions, including:
 - (A) When officers with police powers and every county fire department officer, including firefighters, may enter the premises of a licensee or permittee and the penalties for refusing or preventing entry or access;
 - (B) That the purpose of the Department of Law Enforcement's administrative inspections is to aid the county fire departments in the enforcement of their regulatory authority;
 - (C) That consent to inspections by the Director of Law Enforcement or the Director's designee are a condition to having a license or permit under the Fireworks Control Law; and
 - (D) When violations of the Fireworks Control Law constitute separate violations;
- (2) Changing the appropriation to an unspecified amount;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider an appropriation amount of \$1,200,000.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2193, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2193, H.D. 1, and be referred to your Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



