
A BILL FOR AN ACT

RELATING TO FIREWORKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 132D-20, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§132D-20 Enforcement; probable cause for arrest.** (a)

4 This chapter shall be enforced by the department of law
5 enforcement or each county. The department of law enforcement
6 and counties, or both, are authorized to enforce and administer
7 the provisions of this chapter.

8 (b) Arrests for offenses under this chapter or under a
9 county fireworks ordinance shall be made in compliance with
10 chapter 803. The facts and circumstances to establish probable
11 cause for an arrest may include but are not limited to:

12 (1) Statements from individuals who witnessed the offense,
13 even if those individuals are not law enforcement
14 officers; and

15 (2) Photographs, video recordings, or other recordings
16 that show the commission of the offense and can be
17 authenticated by one or more witnesses; provided that



1 a recording made using an unmanned aerial vehicle
2 shall be exempt from the requirement of authentication
3 by one or more witnesses.

4 (c) Video recordings or other recordings made by a law
5 enforcement agency using, controlling, or operating an unmanned
6 aerial vehicle may be used to establish probable cause pursuant
7 to chapter 803 for an arrest if:

8 (1) The unmanned aerial vehicle is recording directly
9 above a public park, street, sidewalk, or easement, or
10 any public property; and

11 (2) The act leading to the arrest is committed on a public
12 park, street, sidewalk, or easement, or any public
13 property.

14 (d) For the purposes of this [subsection:] section:

15 "Other recording" includes any photograph or a video made
16 using an unmanned aerial vehicle.

17 "Unmanned aerial vehicle" means any aerial vehicle that is
18 operated without the possibility of direct human intervention
19 within or on the aerial vehicle. ~~[The term "unmanned"]~~ "Unmanned
20 aerial vehicle" does not include a remote-controlled airplane."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.



Report Title:

DLE; Fireworks; Unmanned Aerial Vehicles; Recordings; Probable Cause

Description:

Allows recordings made by law enforcement agencies who are using, controlling, or operating unmanned aerial vehicles to establish probable cause for arrests under the Fireworks Control Law if the unmanned aerial vehicle is recording directly above public property and the act leading to the arrest is committed on public property. (CD1)

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