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# A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1       SECTION 1. The legislature finds that improved enforcement  
2 of the fireworks control laws is necessary, not only to protect  
3 property from avoidable fire damage, but also to protect the  
4 community from fire- and explosion-related injuries, respiratory  
5 distress caused by the air pollution, and recurring trauma to  
6 afflicted persons due to loud explosions.

7       The legislature further finds that a more robust continuum  
8 of enforcement mechanisms must be established to promote  
9 compliance with the fireworks control laws, including graduated  
10 penalties for repeat or felony level offenses, enhanced  
11 penalties for offenses that result in injury or death, and a  
12 dedicated adjudication system for fireworks infractions, similar  
13 to the existing traffic infraction system. Creating a fireworks  
14 infractions system will allow law enforcement agencies and the  
15 judiciary to quickly and efficiently process low-level cases,  
16 while also allowing them to prioritize higher-level cases as  
17 appropriate.



1 Accordingly, the purpose of this Act is to:

2 (1) Amend multiple definitions and penalties for fireworks  
3 offenses, including heightened penalties if another  
4 person suffers substantial bodily injury, serious  
5 bodily injury, or death as a result of the fireworks  
6 offenses;

7 (2) Establish criminal offenses of general fireworks or  
8 articles pyrotechnic prohibitions in the first and  
9 second degree; sending or receiving fireworks or  
10 articles pyrotechnic by air delivery; distributing  
11 fireworks or articles pyrotechnic to non-permit  
12 holder; removal or extraction of pyrotechnic contents;  
13 consumer fireworks prohibitions; refusal to provide  
14 identification; and violating requirements of carrier;

15 (3) Establish an adjudication system and procedures to  
16 process fireworks infractions; and

17 (4) Appropriate funds.

18 SECTION 2. The Hawaii Revised Statutes is amended by  
19 adding to title 38 a new chapter to be appropriately designated  
20 and to read as follows:

21 **"CHAPTER**



**ADJUDICATION OF FIREWORKS INFRACTIONS**

§ -1 **Definitions.** As used in this chapter:

"Concurrent trial" means a trial proceeding held in the district or family court in which the defendant is tried simultaneously in a civil case for any charged fireworks infraction and in a criminal case for any related criminal offense, with trials to be held in one court on the same date and at the same time.

"Fireworks infraction" means any violation of chapter 132D, any rule adopted pursuant to chapter 132D, or any county ordinance or rule enacted pursuant to chapter 132D, for which the prescribed penalties do not include imprisonment and that are not otherwise specifically excluded from coverage of this chapter.

"Hearing" means a proceeding conducted by the district court pursuant to section -7 at which the defendant to whom a notice of infraction was issued either admits to the infraction, contests the infraction, or admits to the infraction but offers an explanation to mitigate the monetary assessment imposed.



1 "Law enforcement officer" means any employee of any county,  
2 state, federal, or military agency authorized by law to issue a  
3 notice of infraction.

4 "Notice of infraction" means the citation form that is  
5 issued to the defendant at or after the time of the fireworks  
6 infraction and notifies the defendant of the infraction the  
7 defendant is charged with committing.

8 "Related criminal offense" means any criminal violation or  
9 crime, committed in the same course of conduct as a fireworks  
10 infraction, for which the defendant is arrested or charged.

11 "Trial" means a trial conducted by the district court  
12 pursuant to the rules of the district court and the Hawaii rules  
13 of evidence.

14 § -2 **Applicability.** (a) All fireworks infractions,  
15 including fireworks infractions committed by minors, shall be  
16 adjudicated pursuant to this chapter, except as provided in  
17 subsection (b). This chapter shall be applied uniformly  
18 throughout the State and in all counties. No penal sanction  
19 that includes imprisonment shall apply to a violation of state  
20 statute or rule, or county ordinance or rule, that would



1 constitute a fireworks infraction under this chapter. No  
2 fireworks infraction shall be classified as a criminal offense.

3 (b) Where a defendant is charged with a fireworks  
4 infraction and the fireworks infraction is committed in the same  
5 course of conduct as a criminal offense for which the offender  
6 is arrested or charged, the fireworks infraction shall be  
7 adjudicated pursuant to this chapter; provided that the court  
8 may schedule any initial appearance, hearing, or trial on the  
9 fireworks infraction at the same date, time, and place as the  
10 arraignment, hearing, or trial on the related criminal offense.

11 Notwithstanding this subsection or subsection (c), the  
12 court shall not schedule any initial appearance, hearing, or  
13 trial on the fireworks infraction at the same date, time, and  
14 place as the arraignment, hearing, or trial on the related  
15 criminal offense where the related criminal offense is a felony  
16 or is a misdemeanor for which the defendant has demanded a jury  
17 trial.

18 (c) If the defendant requests a trial pursuant to  
19 section -11, the trial shall be held in the district court of  
20 the circuit in which the fireworks infraction was committed. If  
21 the court schedules a concurrent trial pursuant to paragraph



1 (1), the concurrent trial shall be held in the appropriate  
2 district or family court of the circuit in which the fireworks  
3 infraction was committed, whichever has jurisdiction over the  
4 related criminal offense charged pursuant to the applicable  
5 statute or rule of court; provided that:

6 (1) The district or family court, for the purpose of  
7 trial, may schedule a civil trial on the fireworks  
8 infraction on the same date and at the same time as a  
9 criminal trial on the related criminal offense  
10 charged. The court shall enter a civil judgment as to  
11 the fireworks infraction and a judgment of conviction  
12 or acquittal as to the related criminal offense  
13 following the concurrent trial; and

14 (2) If the trial on the fireworks infraction is held  
15 separately from and before trial on any related  
16 criminal offense, the following shall be inadmissible  
17 in the prosecution or trial of the related criminal  
18 offense, except as expressly provided by the Hawaii  
19 rules of evidence:



1 (A) Any written or oral statement made by the  
2 defendant in proceedings conducted pursuant to  
3 section -6(b); and

4 (B) Any testimony given by the defendant in the trial  
5 on the fireworks infraction.

6 These statements or testimony shall not be deemed a  
7 waiver of the defendant's privilege against  
8 self-incrimination in connection with any related  
9 criminal offense.

10 (d) In no event shall section 701-109 preclude prosecution  
11 for a related criminal offense where a fireworks infraction  
12 committed in the same course of conduct has been adjudicated  
13 pursuant to this chapter.

14 (e) If the defendant fails to appear at any scheduled  
15 court date before the date of trial or concurrent trial and:

16 (1) The defendant's civil liability for the fireworks  
17 infraction has not yet been adjudicated pursuant to  
18 section -7, the court shall enter a judgment by  
19 default in favor of the State for the fireworks  
20 infraction unless the court determines that good cause



1 or excusable neglect exists for the defendant's

2 failure to appear; or

3 (2) The defendant's civil liability for the fireworks  
4 infraction has been adjudicated previously pursuant to  
5 section -7, the judgment earlier entered in favor  
6 of the State shall stand unless the court determines  
7 that good cause or excusable neglect exists for the  
8 defendant's failure to appear.

9 (f) If the defendant fails to appear at any scheduled  
10 court date prior to concurrent trial or fails to appear for  
11 concurrent trial scheduled pursuant to subsection (c)(1), the  
12 court shall enter a disposition pursuant to the Hawaii rules of  
13 penal procedure for the criminal offense.

14 § -3 **Venue and jurisdiction.** (a) All fireworks  
15 infractions shall be adjudicated in the district and circuit  
16 where the alleged infraction occurred, except as otherwise  
17 provided by law.

18 (b) Except as otherwise provided by law, jurisdiction is  
19 in the district court of the circuit where the alleged fireworks  
20 infraction occurred. Except as otherwise provided in this





chapter, district court judges shall adjudicate fireworks  
infractions.

§ -4 Notice of infraction; form; determination final

**unless contested.** (a) The notice of infraction shall include  
the summons for the purposes of this chapter. Whenever a notice  
of infraction is issued, and to the extent practicable, the  
defendant's signature, driver's license number or state  
identification number, current mailing address, and electronic  
mail address shall be included on the notice. If the defendant  
refuses to sign the notice of infraction, or refuses to provide  
any other required information, the law enforcement officer  
shall record this refusal on the notice and issue the notice to  
the defendant. Anyone to whom a notice of infraction is issued  
under this chapter need not be arraigned before the court,  
unless required by rule of the supreme court.

(b) The form for the notice of infraction shall be  
prescribed by rules of the district court, which shall be  
uniform throughout the State; provided that each judicial  
circuit may include differing statutory, rule, or ordinance  
provisions on its respective notice of infraction.



1 (c) A notice of infraction that is generated by the use of  
2 electronic equipment or that bears the electronically stored  
3 image of any defendant's signature, or both, shall be valid  
4 under this chapter.

5 (d) The notice of infraction shall include the following:

6 (1) A statement of the specific fireworks infraction for  
7 which the notice was issued;

8 (2) A brief statement of the facts;

9 (3) A statement of the total amount to be paid for each  
10 fireworks infraction, which amount shall include any  
11 fee, surcharge, or cost required by statute,  
12 ordinance, or rule, and any monetary assessment  
13 established pursuant to section -8, to be paid by  
14 the defendant to whom the notice was issued, which  
15 shall be uniform throughout the State;

16 (4) A statement of the options provided in section -5(b)  
17 for answering the notice and the procedures necessary  
18 to exercise the options;

19 (5) A statement that the defendant to whom the notice is  
20 issued shall answer, choosing one of the options



1 specified in section -5(b), within twenty-one days  
2 of issuance of the notice;

3 (6) A statement that failure to answer the notice within  
4 twenty-one days of issuance shall result in the entry  
5 of judgment by default for the State and may result in  
6 the assessment of a late penalty;

7 (7) A statement that, at a hearing requested to contest  
8 the notice, pursuant to section -7, no law  
9 enforcement officer shall be present unless the  
10 defendant timely requests the court to have the law  
11 enforcement officer present, and that the standard of  
12 proof to be applied by the court is whether a  
13 preponderance of the evidence proves that the  
14 specified fireworks infraction was committed;

15 (8) A statement that, at a hearing requested for the  
16 purpose of explaining mitigating circumstances  
17 surrounding the commission of the fireworks infraction  
18 or in consideration of a written request for  
19 mitigation, the defendant shall be considered to have  
20 committed the fireworks infraction;



1 (9) A space in which the signature of the defendant to  
2 whom the notice of infraction was issued may be  
3 affixed; and

4 (10) The date, time, and place at which the defendant to  
5 whom the notice was issued shall appear in court, if  
6 the defendant is required by the notice to appear in  
7 person at the hearing.

8 (e) A citation shall not be dismissed for failure to  
9 include any information described in subsection (d).

10 § -5 **Answer required.** (a) A defendant who receives a  
11 notice of infraction shall answer the notice within twenty-one  
12 days of the date of issuance of the notice. There shall be  
13 included with the notice of infraction a preaddressed envelope  
14 directed to the designated district court.

15 (b) Provided that the notice of infraction does not  
16 require an appearance in person at a hearing as set forth in  
17 section -4(d)(10), in answering a notice of infraction, a  
18 defendant shall have the following options:

19 (1) Admit the commission of the fireworks infraction in  
20 one of the following ways:



1 (A) By mail or in person, by completing the  
2 appropriate portion of the notice of infraction  
3 or preaddressed envelope and submitting it to the  
4 authority specified on the notice together with  
5 payment of the total amount stated on the notice  
6 of infraction. Payment by mail shall be in the  
7 form of a check, money order, or by an approved  
8 credit or debit card. Payment in person shall be  
9 in the form of United States currency, check,  
10 money order, or by an approved credit or debit  
11 card; or

12 (B) Via the Internet or by telephone, by submitting  
13 payment of the total amount stated on the notice  
14 of infraction. Payment via the Internet or by  
15 telephone shall be by an approved credit or debit  
16 card;

17 (2) Deny the commission of the fireworks infraction and  
18 request a hearing to contest the fireworks infraction  
19 by completing the appropriate portion of the notice of  
20 infraction or preaddressed envelope and submitting it,  
21 either by mail or in person, to the authority



1 specified on the notice. In lieu of appearing in  
2 person at a hearing, the defendant may submit a  
3 written statement of grounds on which the defendant  
4 contests the notice of infraction, which shall be  
5 considered by the court as a statement given in court  
6 pursuant to section -6(b)(2); or

7 (3) Admit the commission of the fireworks infraction and  
8 request a hearing to explain circumstances mitigating  
9 the fireworks infraction by completing the appropriate  
10 portion of the notice of infraction or preaddressed  
11 envelope and submitting it, either by mail or in  
12 person, to the authority specified on the notice. In  
13 lieu of appearing in person at a hearing, the  
14 defendant may submit a written explanation of the  
15 mitigating circumstances, which shall be considered by  
16 the court as a statement given in court pursuant to  
17 section -6(c)(2).

18 (c) When answering the notice of infraction, the defendant  
19 shall affix the defendant's signature to the answer and shall  
20 state the address at which the defendant will accept future



1 mailings from the court. No other response shall constitute an  
2 answer for purposes of this chapter.

3       **§ -6 Court action after answer or failure to answer.**

4       (a) When an admitting answer is received, the court shall enter  
5 judgment in favor of the State in the total amount specified in  
6 the notice of infraction.

7       (b) When a denying answer is received, the court shall  
8 proceed as follows:

9       (1) In the case of a fireworks infraction where the  
10 defendant requests a hearing at which the defendant  
11 will appear in person to contest the fireworks  
12 infraction, the court shall notify the defendant in  
13 writing of the date, time, and place of hearing to  
14 contest the notice of infraction. The notice of  
15 hearing shall be mailed to the address stated in the  
16 denying answer, or if none was given, to the address  
17 stated on the notice of infraction. If no address was  
18 provided, an electronic copy of the notice of hearing  
19 may be sent to the electronic mail address stated on  
20 the notice of infraction. The notification shall also  
21 advise the defendant that, if the defendant fails to



1 appear at the hearing, the court shall enter judgment  
2 by default in favor of the State, as of the date of  
3 the scheduled hearing, and that the total amount  
4 specified in the default judgment shall be paid within  
5 thirty days of entry of default judgment; and

6 (2) When a denying answer is accompanied by a written  
7 statement of the grounds on which the defendant  
8 contests the notice of infraction, the court shall  
9 proceed as provided in section -7(a) and shall  
10 notify the defendant of its decision, including the  
11 total amount assessed, if any, by mailing the notice  
12 of entry of judgment within forty-five days of the  
13 postmarked date of the answer to the address provided  
14 by the defendant in the denying answer, or if none was  
15 given, to the address given when the notice of  
16 infraction was issued. If no address was provided, an  
17 electronic copy of the notice of entry of judgment may  
18 be sent to the electronic mail address stated on the  
19 notice of infraction. The notice of entry of judgment  
20 shall also advise the defendant, if it is determined  
21 that the fireworks infraction was committed and





1 judgment is entered in favor of the State, that the  
2 defendant has the right, within thirty days of entry  
3 of judgment, to request a trial and shall specify the  
4 procedures for doing so. The notice of entry of  
5 judgment shall also notify the defendant, if an amount  
6 is assessed by the court for monetary assessments,  
7 fees, surcharges, or costs, that if the defendant does  
8 not request a trial within the time specified in this  
9 paragraph, the total amount assessed shall be paid  
10 within thirty days of entry of judgment.

11 (c) When an answer admitting commission of the firework  
12 infraction but seeking to explain mitigating circumstances is  
13 received, the court shall proceed as follows:

14 (1) In the case of a fireworks infraction where the  
15 defendant requests a hearing at which the defendant  
16 will appear in person to explain mitigating  
17 circumstances, the court shall notify the defendant in  
18 writing of the date, time, and place of the hearing to  
19 explain mitigating circumstances. The notice of  
20 hearing shall be mailed to the address stated in the  
21 answer, or if none was given, to the address stated on



1 the notice of infraction. If no address was provided,  
2 an electronic copy of the notice of hearing may be  
3 sent to the electronic mail address stated on the  
4 notice of infraction. The notification shall also  
5 advise the defendant that, if the defendant fails to  
6 appear at the hearing, the court shall enter judgment  
7 by default in favor of the State, as of the date of  
8 the scheduled hearing, and that the total amount  
9 stated in the default judgment shall be paid within  
10 thirty days of entry of default judgment; and

11 (2) If a written explanation is included with an answer  
12 admitting commission of the fireworks infraction, the  
13 court shall enter judgment for the State and, after  
14 reviewing the explanation, determine the total amount  
15 of the monetary assessments, fees, surcharges, or  
16 costs to be assessed, if any. The court shall then  
17 notify the defendant of the total amount to be paid  
18 for the fireworks infraction, if any. There shall be  
19 no appeal from the judgment. If the court assesses an  
20 amount for monetary assessments, fees, surcharges, or  
21 costs, the court shall also notify the defendant that



1           the total amount shall be paid within thirty days of  
2           entry of judgment.

3           (d) If the defendant fails to answer within twenty-one  
4           days of issuance of the notice of infraction, the court shall  
5           take action as provided in subsection (e).

6           (e) Whenever judgment by default in favor of the State is  
7           entered, the court shall mail a notice of entry of default  
8           judgment to the address provided by the defendant when the  
9           notice of infraction was issued, or if none was provided, to the  
10          electronic mail address stated on the notice of infraction. The  
11          notice of entry of default judgment shall advise the defendant  
12          that the total amount specified in the default judgment shall be  
13          paid within thirty days of entry of default judgment and shall  
14          explain the procedure for setting aside a default judgment.  
15          Judgment by default for the State entered pursuant to this  
16          chapter may be set aside pending final disposition of the  
17          fireworks infraction upon written application of the defendant  
18          and posting of an appearance bond equal to the amount of the  
19          total amount specified in the default judgment and any other  
20          assessment imposed pursuant to section     -8. The application  
21          shall show good cause or excusable neglect for the defendant's



1 failure to take action necessary to prevent entry of judgment by  
2 default. Thereafter, the court shall determine whether good  
3 cause or excusable neglect exists for the defendant's failure to  
4 take action necessary to prevent entry of judgment by default.  
5 If so, the application to set aside default judgment shall be  
6 granted, the default judgment shall be set aside, and the notice  
7 of infraction shall be disposed of pursuant to this chapter. If  
8 not, the application to set aside default judgment shall be  
9 denied, the appearance bond shall be forfeited and applied to  
10 satisfy amounts due under the default judgment, and the notice  
11 of infraction shall be finally disposed. In either case, the  
12 court shall determine the existence of good cause or excusable  
13 neglect and notify the defendant of its decision on the  
14 application in writing.

15       §   -7 **Hearings.** (a) In proceedings to contest a notice  
16 of infraction where the defendant to whom the notice was issued  
17 has timely requested a hearing and appears at the hearing:

- 18       (1) In lieu of the personal appearance by the law  
19 enforcement officer who issued the notice of  
20 infraction, the court shall consider the notice of  
21 infraction and any other relevant evidence, together



1 with any oral or written statement by the defendant to  
2 whom the notice of infraction was issued;

3 (2) The court may compel by subpoena the attendance of the  
4 officer who issued the notice of fireworks infraction  
5 and other witnesses from whom it may wish to hear;

6 (3) The standard of proof to be applied by the court shall  
7 be whether, by a preponderance of the evidence, the  
8 court finds that the fireworks infraction was  
9 committed; and

10 (4) After due consideration of the evidence and arguments,  
11 if any, the court shall determine whether commission  
12 of the infraction has been established. Where the  
13 commission of the fireworks infraction has not been  
14 established, judgment in favor of the defendant,  
15 dismissing the notice of infraction or any count  
16 therein with prejudice, shall be entered in the  
17 record. Where it has been established that the  
18 fireworks infraction was committed, the court shall  
19 enter judgment in favor of the State and shall assess  
20 a monetary assessment pursuant to section -8,  
21 together with any fees, surcharges, or costs. The



1 court also shall inform the person of the right to  
2 request a trial pursuant to section -11. If the  
3 person requests a trial at the time of the hearing,  
4 the court shall provide the person with the trial date  
5 as soon as practicable.

6 (b) In proceedings to explain mitigating circumstances  
7 where the person to whom the notice of infraction was issued has  
8 timely requested a hearing and appears at the hearing:

9 (1) The procedure shall be limited to the issue of  
10 mitigating circumstances. A person who requests to  
11 explain the circumstances shall not be permitted to  
12 contest the notice of infraction;

13 (2) After the court has received the explanation, the  
14 court may enter judgment in favor of the State and may  
15 assess a monetary assessment pursuant to section -8,  
16 together with any fees, surcharges, or costs;

17 (3) The court, after receiving the explanation, may vacate  
18 the admission and enter judgment in favor of the  
19 defendant, dismissing the notice of infraction or any  
20 count therein with prejudice, where the explanation  
21 establishes that the infraction was not committed; and



1 (4) There shall be no appeal from the judgment.

2 (c) If a person, for whom a hearing has been scheduled to  
3 contest the notice of infraction or to explain mitigating  
4 circumstances, fails to appear at the hearing, the court shall  
5 enter judgment by default for the State and take action as  
6 provided in section -6(e).

7 § -8 **Monetary assessments.** (a) A defendant found to  
8 have committed a fireworks infraction shall be assessed a  
9 monetary assessment not to exceed the maximum fine specified in  
10 the law or rule defining the fireworks infraction. The court  
11 shall consider the defendant's financial circumstances, if  
12 disclosed, in determining the monetary assessment.

13 (b) In addition to any monetary assessment imposed for a  
14 fireworks infraction, the court may impose additional  
15 assessments for:

16 (1) Failure to pay a monetary assessment by the scheduled  
17 date of payment; and

18 (2) The cost of service of a penal summons issued pursuant  
19 to this chapter.

20 (c) In addition to any monetary assessment imposed for a  
21 fireworks infraction, the court shall impose administrative



1 costs of \$20 for each fireworks infraction in which judgment is  
2 entered in favor of the State. The clerk of the district court  
3 shall deposit the administrative costs collected into the  
4 judiciary computer system special fund pursuant to  
5 section 601-3.7.

6 (d) Upon request of a defendant claiming inability to pay  
7 a monetary assessment, the court may grant an extension of the  
8 period in which the monetary assessment shall be paid or may  
9 impose community service in lieu thereof.

10 (e) At any point before full payment of a monetary  
11 assessment, any person who suffers a change in financial  
12 circumstances may request a hearing to modify the monetary  
13 assessment or to request community service in lieu thereof.

14 § -9 **Time computation.** In computing any period of time  
15 prescribed or allowed by this chapter, the day of the act,  
16 event, or default from which the period of time begins to run  
17 shall not be included. The last day of the period so computed  
18 shall be included, unless it is a Saturday, Sunday, or state  
19 holiday, in which event the period runs until the end of the  
20 next day that is not a Saturday, Sunday, or state holiday.  
21 Intermediate Saturdays, Sundays, and state holidays shall be





1 included. Whenever an act required to be performed under this  
2 chapter may be accomplished by mail, the act shall be deemed to  
3 have been performed on the date of the postmark on the mailed  
4 article.

5       §   -10   **Powers of the district court judge hearing cases**  
6 **pursuant to this chapter.** (a) A district court judge hearing  
7 cases pursuant to this chapter shall have all the powers of a  
8 district court judge under chapter 604, including the following  
9 powers:

- 10       (1) To conduct fireworks infraction hearings and impose  
11           monetary assessments;
- 12       (2) To permit deferral of monetary assessments or impose  
13           community service in lieu thereof;
- 14       (3) To dismiss a notice of infraction, with or without  
15           prejudice, or set aside a judgment for the State;
- 16       (4) To issue penal summonses and bench warrants and  
17           initiate contempt of court proceedings in proceedings  
18           conducted pursuant to section   -11;
- 19       (5) To issue penal summonses and bench warrants and  
20           initiate failure to appear proceedings; and



(6) To exercise other powers the court finds necessary and appropriate to carry out the purposes of this chapter.

§ -11 **Trial and concurrent trial.** (a) There shall be no right to trial unless the defendant contests the notice of infraction pursuant to section -7. If, after proceedings to contest the notice of infraction, a determination is made that the defendant committed the fireworks infraction, judgment shall enter in favor of the State. The defendant may request a trial pursuant to the Hawaii rules of evidence and the rules of the district court; provided that any request for trial shall be made within thirty days of entry of judgment. If, after appearing in person at a hearing to contest the notice of infraction, the defendant requests a trial at the conclusion of the hearing, the court shall provide the defendant with the trial date as soon as practicable.

(b) At the time of trial the State shall be represented by a prosecuting attorney of the county in which the fireworks infraction occurred. The prosecuting attorney shall orally recite the charged fireworks infraction in court before commencement of the trial. Proof of the defendant's commission



1 of the fireworks infraction shall be by a preponderance of the  
2 evidence.

3 (c) If trial on the fireworks infraction is held before  
4 trial on any related criminal offense, the following shall be  
5 inadmissible in the subsequent prosecution or trial of the  
6 related criminal offense:

7 (1) Any written or oral statement made by the defendant in  
8 proceedings conducted pursuant to section -6(b);  
9 and

10 (2) Any testimony given by the defendant in the trial on  
11 the fireworks infraction.

12 The statement or testimony, or both, shall not be deemed a  
13 waiver of the defendant's privilege against self-incrimination  
14 in connection with any related criminal offense.

15 (d) In any concurrent trial, the State shall be  
16 represented by a prosecuting attorney of the county in which the  
17 infraction and related crime occurred. Proof of the defendant's  
18 commission of the infraction shall be by a preponderance of the  
19 evidence, and proof of the related criminal offense shall be by  
20 proof beyond a reasonable doubt. The concurrent trial shall be



1 conducted pursuant to the rules of the appropriate court, Hawaii  
2 rules of evidence, and Hawaii rules of penal procedure.

3       §    -12 Rules. (a) The supreme court may adopt rules of  
4 procedure for the conduct of all proceedings pursuant to this  
5 chapter.

6       (b) Chapter 626 shall not apply in proceedings conducted  
7 pursuant to this chapter, except for the rules governing  
8 privileged communications, and proceedings conducted under  
9 section    -11.

10       (c) Notwithstanding section 604-17, while the court is  
11 sitting in any matter pursuant to this chapter, the court shall  
12 not be required to preserve the testimony or proceedings, except  
13 proceedings conducted pursuant to section    -11 and proceedings  
14 in which the fireworks infraction is heard on the same date and  
15 time as any related criminal offense.

16       (d) The prosecuting attorney shall not participate in  
17 fireworks infraction proceedings conducted pursuant to this  
18 chapter, except proceedings pursuant to section    -11 and  
19 proceedings in which a related criminal offense is scheduled for  
20 arraignment, hearing, or concurrent trial.



1 (e) Chapter 91 shall not apply in proceedings before the  
2 court.

3 (f) Except as otherwise provided in section -2, chapter  
4 571 and the Hawaii family court rules shall not apply in any  
5 proceedings conducted pursuant to this chapter."

6 SECTION 3. Chapter 132D, Hawaii Revised Statutes, is  
7 amended by adding seven new sections to be appropriately  
8 designated and to read as follows:

9 **"§132D-A General fireworks or articles pyrotechnic**  
10 **prohibitions in the second degree.** (a) A person commits the  
11 offense of general fireworks or articles pyrotechnic  
12 prohibitions in the second degree if the person intentionally,  
13 knowingly, or recklessly:

14 (1) Sets off, ignites, discharges, or otherwise causes to  
15 explode any aerial devices, display fireworks, or  
16 articles pyrotechnic:

17 (A) Within one thousand feet of any operating  
18 hospital, licensed convalescent home, licensed  
19 home for the elderly, zoo, licensed animal  
20 shelter, or licensed animal hospital;



(B) In any school building, or on any school grounds or yards without first obtaining authorization from appropriate school officials;

(C) On any highway, alley, street, sidewalk, or other public way; in any park; on any public beach; in any officially designated forest or wildlife preserve; within fifty feet of a canefield; or within one thousand feet of any building used for public worship during the periods when services are held; or

(D) Within five hundred feet of any dwelling; or

(2) Throws, catapults, or otherwise manually propels ignited consumer fireworks, aerial devices, display fireworks, or articles pyrotechnic.

(b) The state of mind requirement for the offense under subsections (a)(1)(A), (C), and (D) shall not be applicable to whether the person was aware that the person was within the designated distance from an operating hospital, licensed convalescent home, licensed home for the elderly, zoo, licensed animal shelter, or licensed animal hospital, canefield, building used for public worship, or hotel. A person shall be strictly



1 liable with respect to the attendant circumstance that the  
2 person was within the designated distance from a prohibited  
3 place, at the time of incident.

4 (c) Except as provided in subsections (d), (e), and (f),  
5 the offense of general fireworks or articles pyrotechnic  
6 prohibitions in the second degree shall be a misdemeanor.

7 (d) The offense of general fireworks or articles  
8 pyrotechnic prohibitions in the second degree shall be a class C  
9 felony if the person has been convicted one or more times for  
10 any offense under this chapter within ten years of the current  
11 offense.

12 (e) The offense of general fireworks or articles  
13 pyrotechnic prohibitions in the second degree shall be a class B  
14 felony if any of the aerial devices, display fireworks, or  
15 articles pyrotechnic set off, ignited, discharged, or otherwise  
16 caused to explode in the commission of the offense cause  
17 substantial bodily injury to another person.

18 (f) The offense of general fireworks or articles  
19 pyrotechnic prohibitions in the second degree shall be a class A  
20 felony if any of the aerial devices, display fireworks, or  
21 articles pyrotechnic set off, ignited, discharged, or otherwise



1 caused to explode in the commission of the offense cause serious  
2 bodily injury or death to another person.

3 (g) The state of mind requirement for subsections (e) and  
4 (f) shall not be applicable to whether the person was aware the  
5 aerial devices, display fireworks, or articles pyrotechnic  
6 caused or would cause the injury or death. A person shall be  
7 strictly liable with respect to the result that the aerial  
8 devices, display fireworks, or articles pyrotechnic caused the  
9 injury or death.

10 **\$132D-B Sending or receiving fireworks or articles**  
11 **pyrotechnic by air delivery; prohibited.** (a) A person commits  
12 the offense of sending or receiving fireworks or articles  
13 pyrotechnic by air delivery if the person intentionally,  
14 knowingly, or recklessly sends or receives any amount of  
15 consumer fireworks, aerial devices, display fireworks, or  
16 articles pyrotechnic via any form of air delivery, including but  
17 not limited to any private courier, commercial carrier, mail or  
18 postal services.

19 (b) Except as provided in subsections (c) and (d), the  
20 offense of sending or receiving fireworks or articles  
21 pyrotechnic by air delivery shall be a class C felony.





1        (c) The offense of sending or receiving fireworks or  
2 articles pyrotechnic by air delivery shall be a class B felony  
3 if:

4        (1) The person has been convicted one or more times for  
5 any offense under this chapter within ten years of the  
6 current offense; or

7        (2) The total weight of the consumer fireworks, aerial  
8 devices, display fireworks, and articles pyrotechnic  
9 sent or received in the commission of the offense is  
10 five pounds or more but less than twenty-five pounds.

11       (d) The offense of sending or receiving fireworks or  
12 articles pyrotechnic by air delivery shall be a class A felony  
13 if the total weight of the consumer fireworks, aerial devices,  
14 display fireworks, and articles pyrotechnic sent or received in  
15 the commission of the offense is twenty-five pounds or more.

16       **§132D-C Distributing fireworks or articles pyrotechnic to**  
17 **non-permit holder.** (a) A person commits the offense of  
18 distributing fireworks or articles pyrotechnic to non-permit  
19 holder when the person, who holds a valid license required  
20 pursuant to section 132D-7, intentionally, knowingly, or  
21 recklessly distributes consumer fireworks, aerial devices,



1 display fireworks, or articles pyrotechnic to another person who  
2 does not have a valid permit required pursuant to  
3 sections 132D-10 and 132D-16.

4 (b) Except as provided in subsections (c) and (d), the  
5 offense of distributing fireworks or articles pyrotechnic to  
6 non-permit holder shall be a class C felony.

7 (c) The offense of distributing fireworks or articles  
8 pyrotechnic to non-permit holder shall be a class B felony if:

9 (1) The person has been convicted one or more times for  
10 any offense under this chapter within ten years of the  
11 current offense; or

12 (2) Any of the consumer fireworks, aerial devices, display  
13 fireworks, or articles pyrotechnic distributed in the  
14 commission of the offense cause substantial bodily  
15 injury to another person.

16 (d) The offense of distributing fireworks or articles  
17 pyrotechnic to non-permit holder shall be a class A felony if  
18 any of the consumer fireworks, aerial devices, display  
19 fireworks, or articles pyrotechnic distributed in the commission  
20 of the offense cause serious bodily injury or death to another  
21 person.



1       (e) The state of mind requirement for subsections (c)(2)  
2 and (d) shall not be applicable to whether the person was aware  
3 the consumer fireworks, aerial devices, display fireworks, or  
4 articles pyrotechnic caused or would cause the injury or death.  
5 A person shall be strictly liable with respect to the result  
6 that the consumer fireworks, aerial devices, display fireworks,  
7 or articles pyrotechnic caused the injury or death.

8       **§132D-D Removal or extraction of pyrotechnic contents;**  
9 **prohibited.** Any person who removes or extracts the pyrotechnic  
10 contents from any consumer fireworks, aerial devices, display  
11 fireworks, or articles pyrotechnic shall be guilty of a class C  
12 felony.

13       **§132D-E Consumer fireworks prohibitions.** (a) It shall be  
14 unlawful for any person to:

- 15       (1) Purchase, possess, set off, ignite, discharge, or  
16 otherwise cause to explode any consumer fireworks  
17 without a permit required pursuant to section 132D-10;  
18 or  
19       (2) Set off, ignite, discharge, or otherwise cause to  
20 explode any consumer fireworks at any time not within  
21 the periods for use prescribed in section 132D-3.



1        (b) It shall be unlawful for any person to distribute  
2 consumer fireworks:

3        (1) More than five calendar days before the time periods  
4 for permissible use under section 132D-3; or

5        (2) After 12:01 a.m. on New Year's Day, 6:00 p.m. on  
6 Chinese New Year's Day, or 8:00 p.m. on the Fourth of  
7 July.

8        (c) The state of mind requirement for the offense under  
9 subsections (a)(2) and (b) shall not be applicable to whether  
10 the person was aware of the date or time at the time of offense,  
11 or whether the date and time of offense fell within the  
12 prohibited periods. A person shall be strictly liable with  
13 respect to the date and time of any act proven to have occurred,  
14 and with respect to the attendant circumstance that the date and  
15 time fell within the prohibited dates and times provided in  
16 subsections (a)(2) and (b).

17        (d) Any person who violates subsection (a) shall be  
18 subject to a \$200 fine; any person who violates subsection (b)  
19 shall be subject to a \$1,000 fine; and any person who violates  
20 this section shall be subject to proceedings under chapter        ;  
21 provided that nothing in this section shall be construed to



1 prohibit prosecution under section 132D-7, 132D-8.6, or any  
2 other provision under this chapter.

3 **§132D-F Refusal to provide identification.** (a) Except as  
4 provided in subsection (b), any person detained for violating  
5 this chapter shall provide the person's name and current mailing  
6 address, or any proof thereof, upon the lawful order or  
7 direction of any law enforcement officer in the course and scope  
8 of the officer's duties to enforce this chapter.

9 (b) If the officer has reasonable grounds to believe that  
10 the person is being deceptive or misleading in providing the  
11 person's name or address, the person shall provide proof  
12 thereof, upon the lawful order or direction of the law  
13 enforcement officer.

14 (c) Refusal to provide identification pursuant to this  
15 section shall be a petty misdemeanor.

16 **§132D-G Requirements of carrier.** (a) Any carrier or  
17 person shipping consumer fireworks, aerial devices, display  
18 fireworks, or articles pyrotechnic:

19 (1) Into the State shall notify the appropriate county  
20 official and designated state law enforcement agencies  
21 at the time the booking is made and, in any case, no



1 later than fourteen days before arrival into the  
2 State; or

3 (2) Interisland within the State shall notify the  
4 appropriate county official and designated state law  
5 enforcement agencies at the time the booking is made  
6 and, in any case, no later than five days before  
7 departing from the island of origin;

8 provided that the notification shall include, when applicable,  
9 but need not be limited to the container identification number,  
10 manifest, bill of lading, consignee, freight forwarder, sailing  
11 vessel name, route number, date of departure, and estimated date  
12 of arrival.

13 (b) For a first offense, or any offense not committed  
14 within five years of a prior judgment for the State under this  
15 section, the carrier or person shall be subject to a \$1,000  
16 fine.

17 (c) For a second offense committed within five years of a  
18 prior judgment for the State under this section, the carrier or  
19 person shall be subject to a \$2,000 fine.

20 (d) For a third or subsequent offense committed within  
21 five years of two or more prior judgements for the State under



1 this section, the carrier or person shall be subject to a \$5,000  
2 fine.

3 (e) All violations of this section shall be subject to  
4 proceedings under chapter . Nothing in this section shall be  
5 construed to prohibit criminal prosecution under  
6 section 132D-8.6 or any other section of this chapter."

7 SECTION 4. Section 132D-2, Hawaii Revised Statutes, is  
8 amended as follows:

9 1. By adding five new definitions to be appropriately  
10 inserted and to read:

11 "Carrier" means any shipper or anyone who transports  
12 goods, merchandise, property, or people by rail car, aircraft,  
13 motor vehicle, or vessel.

14 "Distribute" or "distribution" means to sell, transfer,  
15 deliver to another, give or deliver to another, or to leave,  
16 barter, exchange with another, or to offer or agree to do the  
17 same.

18 "Dwelling" means a building that is used or usually used by  
19 a person for lodging.

20 "Serious bodily injury" means bodily injury that creates a  
21 substantial risk of death or which causes serious, permanent



1 disfigurement, or protracted loss or impairment of the function  
2 of any bodily member or organ.

3 "Substantial bodily injury" means bodily injury that  
4 causes:

5 (1) A major avulsion, laceration, or penetration of the  
6 skin;

7 (2) A burn of at least second degree severity;

8 (3) A bone fracture;

9 (4) A serious concussion; or

10 (5) A tearing, rupture, or corrosive damage to the  
11 esophagus, viscera, or other internal organs."

12 2. By amending the definition of "aerial device" to read:

13 "Aerial device" means any fireworks [containing one  
14 hundred thirty milligrams or less of explosive materials that  
15 produces an audible or visible effect and is designed to rise]  
16 that upon ignition, discharge, or otherwise being set off rises  
17 more than twelve feet into the air and [explode or detonate]  
18 then combusts, explodes, deflagrates, or detonates in the air,  
19 shoots or emits flaming balls, or [to fly about above the  
20 ground, and that is prohibited for use by any person who does  
21 not have a permit for display issued by a county under section





1 ~~132D-16. "Aerial devices"]~~ shoots or emits sparks.  
2 Alternatively, "aerial device" may include but is not limited to  
3 any device classified as fireworks under UN0336 and UN0337 by  
4 the United States Department of Transportation as set forth in  
5 ~~[Title]~~ title 49 Code of Federal Regulations [include], which  
6 contains one hundred thirty milligrams or less of explosive  
7 materials, including firework items commonly known as bottle  
8 rockets, sky rockets, missile-type rockets, helicopters,  
9 torpedoes, daygo bombs, roman candles, flying pigs, and jumping  
10 jacks that move about the ground farther than a circle with a  
11 radius of twelve feet as measured from the point where the item  
12 was placed and ignited, aerial shells, and mines."

13 3. By amending the definition of "consumer fireworks" to  
14 read:

15 ""Consumer fireworks" means any fireworks ~~[designed~~  
16 ~~primarily for retail sale to the public during authorized dates~~  
17 ~~and times,]~~ that upon ignition, discharge, or otherwise being  
18 set off produces visible or audible effects ~~[by combustion]~~, and  
19 that ~~[is designed to remain]~~ remains on or near the ground and,  
20 while stationary or spinning rapidly on or near the ground,  
21 emits smoke, a shower of colored sparks, whistling effects,



1 flitter sparks, or balls of colored sparks, and includes  
2 combination items that ~~[contain]~~ produce one or more of these  
3 effects. ~~["Consumer fireworks" shall comply]~~ Alternatively,  
4 "consumer fireworks" may include but are not limited to any  
5 fireworks that comply with the construction, chemical  
6 composition, and labeling regulations of the United States  
7 Consumer Product Safety Commission as set forth in ~~[Title]~~  
8 title 16 Code of Federal Regulations and fireworks classified as  
9 UN0336 and UN0337 by the United States Department of  
10 Transportation as set forth in ~~[Title]~~ title 49 Code of Federal  
11 Regulations. "Consumer fireworks" include firework items  
12 commonly known as firecrackers that are single paper cylinders  
13 not exceeding one and one-half inches in length excluding the  
14 fuse and one-quarter of an inch in diameter ~~[and contain a~~  
15 ~~charge of not more than fifty milligrams of pyrotechnic~~  
16 ~~composition]~~, snakes, sparklers, fountains, and cylindrical or  
17 cone fountains that emit effects up to a height not greater than  
18 twelve feet above the ground, illuminating torches, bamboo  
19 cannons, whistles, toy smoke devices, wheels, and ground  
20 spinners that when ignited remain within a circle with a radius  
21 of twelve feet as measured from the point where the item was



1 placed and ignited, novelty or trick items, combination items,  
2 and other fireworks of like construction that are designed to  
3 produce the same or similar effects."

4 4. By amending the definition of "display fireworks" to  
5 read:

6 ""Display fireworks" means any fireworks designed primarily  
7 for exhibition display by producing visible or audible effects  
8 and classified as display fireworks or contained in the  
9 regulations of the United States Department of Transportation  
10 and designated as UN0333, UN0334, or UN0335, and includes  
11 salutes containing more than two grains (one hundred and thirty  
12 milligrams) of explosive materials, aerial shells containing  
13 more than forty grams of pyrotechnic compositions, and other  
14 display pieces which exceed the limits of explosive materials  
15 for classification as "consumer fireworks". This term also  
16 includes fused [~~set pieces~~] set pieces containing components,  
17 which together exceed fifty milligrams of salute [~~power~~]  
18 powder. The use of display fireworks shall be prohibited for  
19 use by any person who does not have a display permit issued by a  
20 county."

21 5. By amending the definition of "fireworks" to read:



1        ""Fireworks" means any combustible or explosive  
2        composition, or any substance or combination of substances, [~~or~~  
3        ~~article prepared for the purpose of producing]~~ that produces a  
4        visible or audible effect by combustion, explosion,  
5        deflagration, or detonation [~~and that meets the definition of~~  
6        ~~aerial device or consumer or display fireworks as defined by~~  
7        ~~this section and contained]~~, including but not limited to aerial  
8        devices, consumer fireworks, or display fireworks, as defined by  
9        this section. Fireworks also includes but is not limited to  
10       aerial devices, consumer fireworks, or display fireworks, as  
11       defined in the regulations of the United States Department of  
12       Transportation as set forth in [~~Title~~] title 49 Code of Federal  
13       Regulations. The term "fireworks" shall not include any  
14       explosives or pyrotechnics regulated under chapter 396 or  
15       automotive safety flares, nor shall the term be construed to  
16       include toy pistols, toy cannons, toy guns, party poppers,  
17       pop-its, or [~~other~~] similar devices [~~which contain twenty-five~~  
18       ~~hundredths of a grain or less of explosive substance]~~."

19        6. By amending the definition of "import" to read:

20        ""Import" (and any nounal, verbal, adjectival, adverbial,  
21        and other equivalent form of the term used interchangeably in



1 this chapter) means to bring or attempt to bring [~~fireworks~~]  
2 into the State or to cause [~~fireworks~~] to be brought into the  
3 State[~~7~~] any aerial devices, articles pyrotechnic, consumer  
4 fireworks, or display fireworks, as defined in this section or  
5 as defined by the United States Department of Transportation as  
6 set forth in title 49 Code of Federal Regulations, and includes  
7 [~~fireworks~~] any aerial devices, articles pyrotechnic, consumer  
8 fireworks, or display fireworks labeled or designated as  
9 samples, even if not intended for retail sale."

10 7. By amending the definition of "pyrotechnic composition"  
11 or "pyrotechnic contents" to read:

12 ""Pyrotechnic composition" or "pyrotechnic contents" means  
13 the combustible or explosive component of consumer fireworks[~~7~~],  
14 aerial devices, display fireworks, and articles pyrotechnic."

15 8. By repealing the definition of "law enforcement or fire  
16 officer".

17 [~~"Law enforcement or fire officer" means any law~~  
18 ~~enforcement officer having police power or county fire~~  
19 ~~department officer, including firefighters."]~~

20 SECTION 5. Section 132D-5, Hawaii Revised Statutes, is  
21 amended to read as follows:



1       "§132D-5 General fireworks or articles pyrotechnic  
2 prohibitions[-] in the first degree. (a) It shall be unlawful  
3 for any person [~~without a permit issued under section 132D-10 by~~  
4 ~~a county fire department~~] to:

5       ~~[(1) Remove or extract the pyrotechnic contents from any~~  
6       ~~fireworks;~~

7       ~~+(2)]~~ (1) Throw, catapult, or otherwise manually propel any  
8       ignited [~~fireworks+~~] consumer fireworks, aerial  
9       devices, display fireworks, or articles pyrotechnic:

10       (A) From, at, or into a vehicle;

11       (B) At a person or an animal; [~~and~~] or

12       (C) From above the first floor of any building; or

13       ~~+(3)]~~ (2) Set off, ignite, discharge, or otherwise cause to  
14       explode any [~~fireworks+~~] consumer fireworks, aerial  
15       devices, display fireworks, or articles pyrotechnic:

16       (A) [~~Above~~] From above the first floor of any  
17       building;

18       (B) In any vehicle;

19       ~~+(C) At any time not within the periods for use~~  
20       ~~prescribed in section 132D-3;~~



~~(D) Within one thousand feet of any operating hospital, licensed convalescent home, licensed home for the elderly, zoo, licensed animal shelter, or licensed animal hospital;~~

~~(E) In any school building, or on any school grounds and yards without first obtaining authorization from appropriate school officials;~~

~~(F) On any highway, alley, street, sidewalk, or other public way; in any park; on any public beach; in any officially designated forest or wildlife preserve; within fifty feet of a canefield; or within one thousand feet of any building used for public worship during the periods when services are held; and~~

~~(G) Within five hundred feet of any hotel.~~

~~(b) It shall be unlawful to purchase consumer fireworks more than five calendar days before the time periods for permissible use under section 132D-3.~~

~~(c) It shall be unlawful to sell consumer fireworks after 12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's Day, and 8:00 p.m. on the Fourth of July.] or~~



1           (C) In any building; provided that firecrackers shall  
2           be permitted if used in accordance with sections  
3           132D-3 and 132D-10 and all other applicable state  
4           and county laws, ordinances, and rules.

5           (b) Except as provided in subsections (c) and (d), the  
6           offense of general fireworks or pyrotechnic prohibitions in the  
7           first degree shall be a class C felony.

8           (c) If, in the commission of the offense of general  
9           fireworks or articles pyrotechnic prohibitions in the first  
10          degree, the person negligently causes substantial bodily injury  
11          to another person, the person shall be guilty of a class B  
12          felony.

13          (d) If, in the commission of the offense of general  
14          fireworks or articles pyrotechnic prohibitions in the first  
15          degree, the person negligently causes serious bodily injury or  
16          death to another person, the person shall be guilty of a class A  
17          felony."

18          SECTION 6. Section 132D-6, Hawaii Revised Statutes, is  
19          amended to read as follows:

20          "**S132D-6 Exceptions.** The prohibitions in ~~[section]~~  
21          sections 132D-5, 132D-A, and 132D-D do not apply to:





- 1           (1) The use of flares, noisemakers, or signals for  
2           warning~~[7]~~ or pest control, or for illumination  
3           purposes by police and fire departments, utility  
4           companies, transportation agencies, and other  
5           governmental or private agencies or persons, including  
6           agricultural operations, in connection with  
7           emergencies, their duties, or business;
- 8           (2) The sale or use of blank cartridges for a show or  
9           theater, or for signal, commercial, or institutional  
10          purposes in athletics or sports;
- 11          (3) The purchase and use of consumer fireworks, aerial  
12          devices, display fireworks, or articles pyrotechnic:
- 13                (A) In a movie, television production, or theatrical  
14                production for which valid permits have been  
15                issued by a county pursuant to section 132D-10;  
16                and
- 17                (B) In a movie or television production for which  
18                valid permits have been issued by the department  
19                of business, economic development, and tourism  
20                pursuant to section 201-14, or for which permits



1 have been approved by the authority having  
2 jurisdiction; and

3 (4) The testing, disposal, or destruction of ~~[illegal]~~ any  
4 fireworks or articles pyrotechnic by an agency with  
5 authority to enforce this chapter."

6 SECTION 7. Section 132D-7, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 **"§132D-7 License or permit required.** A person shall not:

9 (1) Import, store, ~~[offer to sell, or sell,]~~ or  
10 distribute, including at wholesale or retail, any  
11 aerial devices, display fireworks, articles  
12 pyrotechnic, or consumer fireworks unless the person  
13 has a valid license issued ~~[by the county,]~~ pursuant  
14 to this chapter; or

15 (2) Possess any aerial devices, display fireworks, or  
16 articles pyrotechnic without a valid license to  
17 import, store, or ~~[sell]~~ distribute aerial devices,  
18 display fireworks, or articles pyrotechnic, or a valid  
19 display permit ~~[as provided for in]~~ issued pursuant to  
20 this chapter."



1 SECTION 8. Section 132D-8.6, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) Any person who has obtained a license [~~under~~]  
4 required pursuant to section 132D-7 and ships fireworks or  
5 articles pyrotechnic into the State shall:

6 (1) Clearly designate the types of fireworks or articles  
7 pyrotechnic in each shipment on the bill of lading or  
8 shipping manifest with specificity;

9 (2) Declare on the bill of lading or shipping manifest the  
10 gross weight of consumer fireworks, display fireworks,  
11 articles pyrotechnic, and aerial devices to be  
12 imported in each shipment and the location of the  
13 storage facility, if applicable, in which the  
14 fireworks or articles pyrotechnic are to be stored;

15 (3) [~~Prior to~~] Before shipment and when booking each  
16 shipment of fireworks, display fireworks, articles  
17 pyrotechnic, or aerial devices notify the [~~appropriate~~  
18 ~~county official as determined by the county~~] Hawaii  
19 state fire marshal regarding whether the shipment will  
20 be distributed from:

21 (A) Pier to pier;



1 (B) Pier to warehouse or storage facility; or

2 (C) Pier to redistribution;

3 (4) [~~Prior to~~] Before booking the shipment, provide to the  
4 [~~applicable county fire chief~~] Hawaii state fire  
5 marshal:

6 (A) Written documentation regarding the proposed  
7 display event or events and related contact  
8 information to allow the fire chief to validate  
9 the importation of a three-month or six-month  
10 inventory under section 132D-8.5; and

11 (B) An inventory breakdown for each proposed display;  
12 and

13 (5) At the time shipping is booked, the importer or  
14 consignee shall notify the [~~appropriate county~~  
15 ~~official as determined by the county~~] Hawaii state  
16 fire marshal in writing of the expected shipment's  
17 landing date~~[+]~~; provided that:

18 (A) Notifications shall be made through a system  
19 designated by the Hawaii state fire marshal; and

20 (B) If a licensee fails to notify the Hawaii state  
21 fire marshal two or more times within one year of



1                   the issuance of a license, the license may be  
2                   revoked."

3           SECTION 9. Section 132D-10, Hawaii Revised Statutes, is  
4 amended to read as follows:

5           **"§132D-10 Permits.** (a) A permit shall be required for  
6 the purchase and use of:

7           (1) Any consumer fireworks commonly known as firecrackers  
8           upon payment of a fee of \$25;

9           (2) Any aerial devices, display fireworks, or articles  
10           pyrotechnic for the purposes of section 132D-16 upon  
11           payment of a fee of \$110; and

12           (3) Any consumer fireworks [~~for the purposes of section~~  
13           ~~132D-5 or~~] for cultural uses that occur at any time  
14           other than during the periods prescribed in section  
15           132D-3(1) upon a payment of a fee of \$25.

16           (b) Each person may purchase a maximum of fifty permits  
17 per year."

18           SECTION 10. Section 132D-12, Hawaii Revised Statutes, is  
19 amended to read as follows:

20           **"§132D-12 [~~Sale~~] Distribution to minors; [~~sale by minors~~];**  
21 **prohibited.** (a) It shall be unlawful for any person to [~~offer~~



1 ~~for sale, sell, or give]~~ distribute any consumer fireworks,  
2 aerial devices, display fireworks, or articles pyrotechnic to  
3 minors, ~~[and for any minor to possess, purchase, sell, or set~~  
4 ~~off, ignite, or otherwise cause to explode any fireworks or~~  
5 ~~articles pyrotechnic,~~] except as provided in section 132D-13.

6 (b) A person who violates this section shall be guilty of  
7 a class C felony."

8 SECTION 11. Section 132D-13, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§132D-13 Liability of parents or guardians.** ~~[The~~  
11 ~~parents,~~] (a) Except as provided in subsection (b), it shall be  
12 unlawful for a parent, guardian, [and] or other [persons] person  
13 having the custody or control of any minor[~~, who~~] to knowingly  
14 permit the minor to [possess,]:

15 (1) Possess or purchase[~~, or set~~] any consumer fireworks,  
16 aerial devices, display fireworks, or articles  
17 pyrotechnic; or

18 (2) Set off, ignite, discharge, or otherwise cause to  
19 explode any [~~fireworks~~] consumer fireworks, aerial  
20 devices, display fireworks, or articles pyrotechnic[~~,~~

21 ~~shall be deemed to be in violation of this chapter and~~



~~shall be subject to the penalties thereunder, except  
that the parents].~~

(b) The parent or guardian may allow the minor to use consumer fireworks while under the immediate supervision and control of the parent or guardian, or under the immediate supervision and control of another adult.

(c) Separate and apart from any civil liability that may result from this or any related incident, and except as provided in subsections (d) and (e), the violation of subsection (a) shall be a misdemeanor.

(d) If any of the consumer fireworks, aerial devices, display fireworks, or articles pyrotechnic set off, ignited, discharged, or otherwise caused to explode in violation of subsection (a)(2) cause substantial bodily injury to another person, the violation of subsection (a) shall be a class C felony.

(e) If any of the consumer fireworks, aerial devices, display fireworks, or articles pyrotechnic set off, ignited, discharged, or otherwise caused to explode in violation of subsection (a)(2) cause serious bodily injury or death to



1 another person, the violation of subsection (a) shall be a class  
2 B felony.

3 (f) The state of mind requirement for subsections (d) and  
4 (e) shall not be applicable to whether the person was aware that  
5 the consumer fireworks, aerial devices, display fireworks, or  
6 articles pyrotechnic caused or would cause the injury or death.  
7 A person shall be strictly liable with respect to the result  
8 that the consumer fireworks, aerial devices, display fireworks,  
9 or articles pyrotechnic caused the injury or death."

10 SECTION 12. Section 132D-14, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 **"§132D-14 Penalty.** (a) [Any] Except as provided in  
13 subsections (b) and (c), any person:

14 (1) Importing, storing, or distributing consumer  
15 fireworks, aerial devices, display fireworks, or  
16 articles pyrotechnic without having a valid license  
17 [under] as required pursuant to section 132D-7 [shall  
18 be]:

19 (A) Shall be guilty of a class C felony; and

20 (B) Notwithstanding subparagraph (A), if the total  
21 weight of the consumer fireworks, aerial devices,





1           display fireworks, and articles pyrotechnic is  
2           twenty-five pounds or more, shall be guilty of a  
3           class B felony;

4       (2) Purchasing, possessing, setting off, igniting, ~~[or]~~  
5       discharging, or otherwise causing to explode aerial  
6       devices, display fireworks, or articles pyrotechnic  
7       without a valid permit ~~[under]~~ required pursuant to  
8       sections 132D-10 and 132D-16, ~~[or storing, selling, or~~  
9       ~~possessing aerial devices, display fireworks, or~~  
10      ~~articles pyrotechnic without a valid license under~~  
11      ~~section 132D-7, or allowing an individual to possess,~~  
12      ~~set off, ignite, discharge, or otherwise cause to~~  
13      ~~explode any aerial device in violation of section~~  
14      ~~132D-14.5]~~:

15      (A) If the total weight of the aerial devices,  
16      display fireworks, and articles pyrotechnic is  
17      fifty pounds or more, shall be guilty of a class  
18      B felony;

19      ~~[-(A)]~~ (B) If the total weight of the aerial devices,  
20      display fireworks, ~~[or]~~ and articles pyrotechnic



1 is twenty-five pounds or more, shall be guilty of  
2 a class C felony; ~~[or~~  
3 ~~(B)]~~ (C) If the total weight of the aerial devices,  
4 display fireworks, ~~[or]~~ and articles pyrotechnic  
5 is ~~[less than twenty-five pounds,]~~ five pounds or  
6 more, shall be guilty of a misdemeanor;  
7 (D) If the total weight of the aerial devices,  
8 display fireworks, or articles pyrotechnic is  
9 less than five pounds, and if the total weight  
10 cannot be determined, shall be fined \$300 and  
11 subject to proceedings under chapter .

12 ~~[(3) Who transfers or sells aerial devices, display~~  
13 ~~fireworks, or articles pyrotechnic to a person who~~  
14 ~~does not have a valid permit under sections 132D-10~~  
15 ~~and 132D-16, shall be guilty of a class C felony; and~~  
16 ~~(4) Who removes or extracts the pyrotechnic contents from~~  
17 ~~any fireworks or articles pyrotechnic and uses the~~  
18 ~~contents to construct fireworks, articles pyrotechnic,~~  
19 ~~or a fireworks or articles pyrotechnic related device~~  
20 ~~shall be guilty of a misdemeanor.]~~



1        (b) Any person who would otherwise be subject to  
2        sentencing for a criminal offense under subsection (a) shall be  
3        guilty of an offense one class or grade higher, as the case may  
4        be, than that provided in subsection (a) if:

5        (1) The person has been convicted one or more times for  
6        any offense under this chapter within ten years of the  
7        instant offense; or

8        (2) Any of the consumer fireworks, aerial devices, display  
9        fireworks, or articles pyrotechnic imported, stored,  
10       distributed, purchased, possessed, set off, ignited,  
11       discharged, or otherwise caused to explode in the  
12       commission of the offense under subsection (a) cause  
13       substantial bodily injury to another person.

14       (c) Any person who would otherwise be subject to  
15       sentencing for a criminal offense under subsection (a) shall be  
16       guilty of an offense two classes or grades higher, as the case  
17       may be, than that provided in subsection (a) if any of the  
18       consumer fireworks, aerial devices, display fireworks, or  
19       articles pyrotechnic imported, stored, distributed, purchased,  
20       possessed, set off, ignited, discharged, or otherwise caused to  
21       explode in the commission of the offense under subsection (a)



1 cause serious bodily injury or death to another person. For an  
2 offense already classified as a class B felony, the person shall  
3 be guilty of a class A felony if any of the consumer fireworks,  
4 aerial devices, display fireworks, or articles pyrotechnic  
5 imported, stored, distributed, purchased, possessed, set off,  
6 ignited, discharged, or otherwise caused to explode in the  
7 commission of the offense under subsection (a) cause serious  
8 bodily injury or death to another person.

9 (d) The state of mind requirement for subsections (b) and  
10 (c) shall not be applicable to whether the person was aware that  
11 any of the consumer fireworks, aerial devices, display  
12 fireworks, or articles pyrotechnic caused or would cause the  
13 injury or death. A person shall be strictly liable with respect  
14 to the attendant circumstance that the consumer fireworks,  
15 aerial devices, display fireworks, or articles pyrotechnic  
16 caused the injury or death.

17 ~~[(b)]~~ (e) Except as provided in ~~[subsection]~~ subsections  
18 (a), (b), or (c), or as otherwise specifically provided for in  
19 this chapter, any person violating any other provision of this  
20 chapter, shall be guilty of a violation and fined ~~[no]~~ not less  
21 than \$500 and not more than \$5,000 for each violation.



1 ~~[Notwithstanding any provision to the contrary in this section,~~  
2 ~~any person violating section 132D-14.5 shall be fined at least~~  
3 ~~\$500 and no more than \$5,000.]~~

4       ~~[(e)]~~ (f) The court shall collect the fines imposed in  
5 subsections (a) ~~[and]~~, (b), (c), and (e) for violating this  
6 chapter and, of the fines collected, shall pay twenty per cent  
7 to the State and eighty per cent to the county in which the fine  
8 was imposed, which shall be expended by the county for law  
9 enforcement purposes.

10       ~~[(d)]~~ (g) Notwithstanding any penalty set forth herein,  
11 violations of subsection (a)(1) ~~[or (3)]~~ may be subject to  
12 nuisance abatement proceedings provided in part V of  
13 chapter 712.

14       ~~[(e)] For the purposes of this section:~~

15       ~~(1) Each type of prohibited firework imported, purchased,~~  
16       ~~sold, possessed, set off, ignited, or discharged shall~~  
17       ~~constitute a separate violation for each unopened~~  
18       ~~package; and~~

19       ~~(2) Each separate firework imported, purchased, sold,~~  
20       ~~possessed, set off, ignited, or discharged shall be a~~



~~separate violation if the package is opened or the  
firework is not in a package.~~

~~(f) For the purposes of this section, "package":~~

~~(1) Means any aerial device, display firework, or article  
pyrotechnic:~~

~~(A) Enclosed in a container or wrapped in any manner  
in advance of wholesale or retail sale; and~~

~~(B) With a weight or measure determined in advance of  
wholesale or retail sale; and~~

~~(2) Does not mean:~~

~~(A) Inner wrappings not intended to be individually  
sold to the customer;~~

~~(B) Shipping containers or wrapping used solely for  
the transportation of any commodities in bulk or  
in quantity;~~

~~(C) Auxiliary containers or outer wrappings used to  
deliver commodities if the containers or  
wrappings bear no printed matter pertaining to  
any particular aerial device, display firework,  
or article pyrotechnic;~~



~~(D) Containers used for retail tray pack displays  
when the container itself is not intended to be  
sold; or~~

~~(E) Open carriers and transparent wrappers or  
carriers for containers when the wrappers or  
carriers do not bear printed matter pertaining to  
any particular aerial devices, display fireworks,  
or articles pyrotechnic.]"~~

SECTION 13. Section 132D-14.5, Hawaii Revised Statutes, is  
amended to read as follows:

**"[~~§~~]§132D-14.5[~~§~~] Liability of homeowner, renter, or  
person otherwise responsible for real property. (a) A  
homeowner, renter, or person otherwise responsible for [~~the~~]  
real property who intentionally, knowingly, [~~or~~] recklessly  
[~~allows~~], or negligently:**

**(1) Allows an individual, while on the real property, to  
possess, set off, ignite, discharge, or otherwise  
cause to explode any aerial [~~device~~] devices, display  
fireworks, or articles pyrotechnic without a permit  
issued pursuant to this chapter shall be [~~deemed to be~~  
~~in violation of this chapter and shall be subject to~~**



1 ~~the penalties specified in section 132D-14(a)(2) and~~  
2 ~~(b).~~ guilty of a petty misdemeanor;

3 (2) Allows any aerial devices, display fireworks, articles  
4 pyrotechnic, or pyrotechnic composition to be stored  
5 in the real property without a license issued pursuant  
6 to this chapter shall be guilty of a misdemeanor; and

7 (3) Notwithstanding paragraph (2), allows aerial devices,  
8 display fireworks, articles pyrotechnic, or  
9 pyrotechnic composition to be stored in the real  
10 property, if the total weight of the aerial devices,  
11 display fireworks, articles pyrotechnic, and  
12 pyrotechnic composition is twenty-five pounds or more  
13 without a license issued pursuant to this chapter,  
14 shall be guilty of a class C felony.

15 (b) Any person who would otherwise be subject to  
16 sentencing under subsection (a) shall be guilty of an offense  
17 one class or grade higher, as the case may be, than that  
18 provided in subsection (a) if:

19 (1) The person has been convicted one or more times for  
20 any offense under this chapter within ten years of the  
21 instant offense; or





1       (2) Any of the aerial devices, display fireworks, articles  
2       pyrotechnic or pyrotechnic composition possessed, set  
3       off, ignited, discharged, otherwise caused to explode,  
4       or stored in the violation of subsection (a) cause  
5       substantial bodily injury to another person.

6       (c) Any person who would otherwise be subject to  
7       sentencing under subsection (a) shall be guilty of an offense  
8       two classes or grades higher, as the case may be, than that  
9       provided in subsection (a) if any of the aerial devices, display  
10      fireworks, articles pyrotechnic, or pyrotechnic composition  
11      possessed, set off, ignited, discharged, otherwise caused to  
12      explode, or stored in the violation of subsection (a) cause  
13      serious bodily injury or death to another person.

14      (d) The state of mind requirement for subsections (b) and  
15      (c) shall not be applicable to whether the person was aware  
16      that any of the aerial devices, display fireworks, articles  
17      pyrotechnic or pyrotechnic composition caused or would cause the  
18      injury or death. A person shall be strictly liable with respect  
19      to the attendant circumstance that the aerial devices, display  
20      fireworks, or articles pyrotechnic caused the injury or death."



SECTION 14. Section 132D-15, Hawaii Revised Statutes, is amended to read as follows:

"[~~f~~]**\$132D-15**[~~f~~] **Notice requirements.** Each licensed retail outlet shall post adequate notice that clearly cautions each person purchasing consumer fireworks of the prohibitions, liabilities, and penalties incorporated in sections 132D-12, 132D-13, [~~and~~] 132D-14[~~-~~], and 132D-E."

SECTION 15. Section 132D-17.5, Hawaii Revised Statutes, is amended to read as follows:

"[~~f~~]**\$132D-17.5**[~~f~~] **County ordinances.** (a) Nothing in this chapter shall be construed to supersede or in any manner affect a county fireworks ordinance; provided that the ordinance is at least as stringent in the control or prohibition of consumer fireworks, aerial devices, display fireworks, and articles pyrotechnic as the law under this chapter.

(b) Nothing in this chapter shall prohibit a county from enacting ordinances that are more stringent in the control or prohibition of consumer fireworks, aerial devices, display fireworks, and articles pyrotechnic than this chapter."

SECTION 16. Section 132D-21, Hawaii Revised Statutes, is amended to read as follows:



1       **"§132D-21 Health care facilities; report of fireworks and**  
2 **articles pyrotechnic incidents.** Health care facilities in this  
3 State shall report all incidents of serious injuries and  
4 fatalities caused by legal and illegal consumer fireworks,  
5 aerial devices, display fireworks, or articles pyrotechnic to  
6 the department of health and the police department of the county  
7 in which the person was attended or treated. All reports shall  
8 be in writing or in the manner specified by the department of  
9 health.

10       As used in this section, "health care facilities" includes  
11 any outpatient clinic, emergency room, or physician's office,  
12 private or public, whether organized for profit or not, used,  
13 operated, or designed to provide medical diagnosis, treatment,  
14 nursing, rehabilitative, or preventive care to any person or  
15 persons. The term includes but is not limited to health care  
16 facilities that are commonly referred to as hospitals, extended  
17 care and rehabilitation centers, nursing homes, skilled nursing  
18 facilities, intermediate care facilities, hospices for the  
19 terminally ill that require licensure or certification by the  
20 department of health, kidney disease treatment centers,  
21 including freestanding hemodialysis units, outpatient clinics,



1 organized ambulatory health care facilities, emergency care  
2 facilities and centers, home health agencies, health maintenance  
3 organizations, and others providing similarly organized services  
4 regardless of nomenclature."

5 SECTION 17. Section 132D-22, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "[~~§~~132D-22[~~§~~] **Entry onto premises; inspection of**  
8 **premises, books, and records; obstructing [~~law enforcement or~~**  
9 **~~fire department~~] inspector operations; penalty.** (a) Any [~~law~~  
10 ~~enforcement or fire officer~~] inspector may, at reasonable hours,  
11 enter and inspect the premises of a licensee or permittee and  
12 any relevant books or records therein to verify compliance with  
13 this chapter and the conditions of the license or permit.

14 (b) Upon a request by any [~~law enforcement or fire~~  
15 ~~officer~~] inspector to enter and inspect the premises of a  
16 licensee or permittee at reasonable hours, the licensee, the  
17 permittee, or an employee of the licensee or permittee shall  
18 make available for immediate inspection and examination the  
19 premises and all relevant books and records therein.

20 (c) Any licensee or permittee who refuses the [~~law~~  
21 ~~enforcement or fire officer~~] inspector entry or access to the



1 premises, books, or records shall be in violation of the  
2 conditions of the license or permit. After a hearing, the  
3 issuing department shall suspend or revoke the license or permit  
4 for refusing entry or access or for violations of any other  
5 requirement or condition of the license or permit or any  
6 provision of this chapter or rule adopted pursuant to this  
7 chapter. The issuing department shall provide the licensee or  
8 permittee with a written notice and order describing the basis  
9 for the suspension or revocation. Any person aggrieved by the  
10 suspension or revocation determination may request a contested  
11 case hearing pursuant to chapter 91. To request a contested  
12 case hearing, the person shall submit a written request to the  
13 issuing department within thirty calendar days of the date of  
14 the notice and order of the suspension or revocation. Appeal to  
15 the circuit court under section 91-14, or any other applicable  
16 statute, shall only be taken from the issuing department's final  
17 order pursuant to a contested case.

18 (d) Any licensee, permittee, employee of a licensee or  
19 permittee, or other person who:

20 (1) Threatens with the use of violence, force, or physical  
21 interference or obstacle, or hinders, obstructs, or



prevents any [~~law enforcement or fire officer,~~  
inspector, or any person assisting [~~a law enforcement~~  
~~or fire officer,~~ an inspector, from entering into the  
premises of the licensee or permittee; or

(2) Opposes, obstructs, or molests [~~a law enforcement or~~  
~~fire officer~~] an inspector in the officer's  
enforcement of this chapter,

shall be guilty of a misdemeanor, punishable by a fine of no  
more than \$2,000 or imprisonment for no more than one year, or  
both.

(e) If any [~~law enforcement or fire officer~~] inspector,  
having demanded admittance onto the premises of a licensee or  
permittee and declared the [~~officer's~~] inspector's name and  
office, is not admitted by the licensee, permittee, or person in  
charge of the premises, the [~~officer~~] inspector may use force to  
enter the premises.

(f) For purposes of this section[7]:

"Inspector" means any county fire department officer,  
including firefighters.

[~~"premises"~~] "Premises" of a licensee or permittee" does not  
include the licensee's or permittee's private residence or a



1 dwelling that is considered to be the person's [~~home,~~] dwelling,  
2 including a [~~single-family~~] single-family house, apartment unit,  
3 condominium, townhouse, or cooperative unit."

4 SECTION 18. Section 571-41, Hawaii Revised Statutes, is  
5 amended by amending subsection (f) to read as follows:

6 "(f) The judge, or the senior judge if there is more than  
7 one, may by order confer concurrent jurisdiction on a district  
8 court created under chapter 604 to hear and dispose of cases of  
9 violation of traffic laws, traffic ordinances, [~~or~~] emergency  
10 period rules, or fireworks infractions established pursuant to  
11 chapter , by children, provision to the contrary in section  
12 571-11 or elsewhere notwithstanding. The exercise of  
13 jurisdiction over children by district courts shall,  
14 nevertheless, be considered noncriminal in procedure and result  
15 in the same manner as though the matter had been adjudicated and  
16 disposed of by a family court."

17 SECTION 19. Section 601-3.7, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19 "(a) There is established in the state treasury a special  
20 fund to be known as the judiciary computer system special fund,  
21 which shall contain the following:



(1) Moneys collected from administrative fees pursuant to section 287-3(a);

(2) Fees prescribed by the supreme court by rule of court for electronic document certification, electronic copies of documents, and for providing bulk access to electronic court records and compilations of data; and

(3) Fees pursuant to sections       -8(c), 607-4(b)(10), and 607-5(c)(32)      ."

SECTION 20. Section 712-1270, Hawaii Revised Statutes, is amended to read as follows:

**"§712-1270 Places used to commit offenses against public health and morals or other offenses, a nuisance.** Every building, premises, or place used for the purpose of violating:

(1) Those laws pertaining to offenses against public health and morals contained in this chapter, except offenses under part IV that do not involve the manufacture or distribution of drugs and activities under part III that involve only social gambling as defined in section 712-1231(a);

(2) Section 132D-14(a)(1) [~~or (3)~~]; or





1           (3) Any offense under part II of chapter 708 that involves  
2           a person unlawfully residing on or otherwise occupying  
3           real property to which the person has no title, lease,  
4           or other legal claim,  
5 and every building, premises, or place in or upon which  
6 violations of any of the laws set forth in paragraph (1), (2),  
7 or (3) are held or occur, is a nuisance that shall be enjoined,  
8 abated, and prevented, regardless of whether it is a public or  
9 private nuisance."

10           SECTION 21. Section 712-1270.3, Hawaii Revised Statutes,  
11 is amended to read as follows:

12           "**§712-1270.3 Citizen's rights.** Any citizen who brings a  
13 nuisance abatement suit against a place used for the purpose of  
14 committing:

15           (1) Fireworks related offenses contained in  
16           section 132D-14(a)(1) [~~or (3)~~]; or

17           (2) Drug offenses under part IV of this chapter or who  
18           files a complaint with the local police or drug  
19           nuisance abatement unit of the department of the  
20           attorney general,



1 shall be entitled to the same rights and protections of victims  
2 and witnesses in criminal proceedings in accordance with  
3 chapter 801D."

4 SECTION 22. Section 712-1281, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "[~~f~~]**\$712-1281 Forfeiture; fireworks.**[~~f~~] In addition to  
7 any other penalty that may be imposed for violation of  
8 section 132D-14(a)(1) [~~or (3)~~], any property used or intended  
9 for use in the commission of, attempt to commit, or conspiracy  
10 to commit an offense under section 132D-14(a)(1) [~~or (3)~~], or  
11 that facilitated or assisted such activity, and any proceeds or  
12 other property acquired or maintained with the proceeds from  
13 violation of section 132D-14(a)(1) [~~or (3)~~] may be subject to  
14 forfeiture pursuant to chapter 712A."

15 SECTION 23. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$ or so much  
17 thereof as may be necessary for fiscal year 2025-2026 and the  
18 same sum or so much thereof as may be necessary for fiscal year  
19 2026-2027 to carry out the purposes of this Act, including to  
20 update the judiciary information management system to implement  
21 the adjudications process established by section 2 of this Act.



1       The sums appropriated shall be expended by the judiciary  
2 for the purposes of this Act.

3       SECTION 24. This Act does not affect rights and duties  
4 that matured, penalties that were incurred, and proceedings that  
5 were begun before its effective date.

6       SECTION 25. In codifying the new sections added by  
7 section 3 and referenced in sections 6 and 14 of this Act, the  
8 revisor of statutes shall substitute appropriate section numbers  
9 for the letters used in designating the new sections in this  
10 Act.

11       SECTION 26. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13       SECTION 27. This Act shall take effect upon its approval.



**Report Title:**

Fireworks; Criminal Offenses; Penalties; Infractions;  
Appropriations

**Description:**

Amends multiple definitions and penalties for fireworks offenses, including heightened penalties if another person suffers substantial bodily injury, serious bodily injury, or death as a result of the fireworks offenses. Establishes criminal offenses of general fireworks or articles pyrotechnic prohibitions in the first and second degree; sending or receiving fireworks or articles pyrotechnic by air delivery; distributing fireworks or articles pyrotechnic to non-permit holder; removal or extraction of pyrotechnic contents; consumer fireworks prohibitions; refusal to provide identification; and violating requirements of carrier. Establishes an adjudication system and procedures to process fireworks infractions. Appropriates funds. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

