

Honolulu, Hawaii

FEB 28 2025

RE: S.B. No. 1324
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 1324, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend 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;
- (2) Establish 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;
- (3) Establish an adjudication system and procedures to process fireworks infractions; and
- (4) Appropriate funds.



Your Committees received testimony in support of this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the County of Maui, Honolulu Police Department, Oahu Filipino Community Council, Hawaiian Humane Society, and eight individuals.

Your Committees received testimony in opposition to this measure from the Libertarian Party of Hawaii; Hawaii Explosives & Pyrotechnics, Inc.; and three individuals.

Your Committees received comments on this measure from the Judiciary.

Your Committees find that improved enforcement of the fireworks control laws is necessary, not only to protect property from avoidable fire damage, but also to protect the community from fire- and explosion-related injuries, respiratory distress caused by the air pollution, and recurring trauma to afflicted persons due to loud explosions. Your Committees further find that a more robust continuum of enforcement mechanisms must be established to promote compliance with the fireworks control laws, including graduated penalties for repeat or felony level offenses, enhanced penalties for offenses that result in injury or death, and a dedicated adjudication system for fireworks infractions, similar to the existing traffic infraction system. This measure will allow law enforcement agencies and the Judiciary to quickly and efficiently process low-level cases, while also allowing them to prioritize higher-level cases as appropriate.

Your Committees note that, to ensure that people who hold permits to use aerial devices, display fireworks, or articles pyrotechnic under existing law are able to continue using those permits for fireworks displays as intended, amendments to this measure are necessary.

Your Committees also note that most theatrical pyrotechnic effects throughout the United States are shipped via air transport. Since the transportation of hazardous materials is regulated by the United States Department of Transportation and substantial penalties are imposed for the improper declaration or packaging of these items, your Committees believe that the criminal offenses established by this measure should exempt



individuals who are transporting fireworks via air transport if in compliance with federal law.

Accordingly, your Committees have amended this measure by:

- (1) Clarifying that persons without a permit issued pursuant to sections 132D-10 and 132D-16, Hawaii Revised Statutes, commits the offense of general fireworks or articles pyrotechnic prohibitions in the second degree;
- (2) Exempting persons sending or receiving consumer fireworks, aerial devices, display fireworks, or articles pyrotechnic via any form of air delivery from the offense of sending or receiving fireworks or articles pyrotechnic by air delivery if the person is sending or receiving the items in compliance with federal law; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1324, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1324, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,


DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair



**Record of Votes
Committee on Judiciary
JDC**

*Only one measure per Record of Votes

The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB1324 SD1</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">PSM/TCA, JDC/WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2-19-2025</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	/			
MORIWAKI, Sharon Y. (VC)	/			
AQUINO, Henry J.C.	/			
DECOITE, Lynn	/			
ELEFANTE, Brandon J.C.	/			
HASHIMOTO, Troy N.	/			
INOUE, Lorraine R.	/			
KANUHA, Dru Mamo	/			
KIDANI, Michelle N.	/			
KIM, Donna Mercado	/			
LEE, Chris	/			
WAKAI, Glenn	/			
FEVELLA, Kurt	/			
TOTAL	13	0	0	0
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;"> </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes