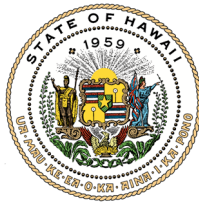


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



MIKE LAMBERT
DIRECTOR

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'okō Kānāwai
715 South King Street
Honolulu, Hawaii 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

TESTIMONY ON HOUSE BILL 550, HOUSE DRAFT 1
RELATING TO FIREWORKS
Before the House Committee on
FINANCE

Tuesday, February 25, 2025, 12:00 p.m.

State Capitol Conference Room 308 & Videoconference

Testifiers: Jared Redulla

Chair Yamashita, Vice Chair Takenouchi, and members of the Committee:

The Department of Law Enforcement (DLE) strongly supports House Bill 550, House Draft 1. This bill proposes to enhance law enforcement's ability to enforce the Fireworks Control Law by allowing the use of unmanned aerial vehicle (UAV) recordings to establish probable cause for arrests. The recordings must be made directly above public property and the illegal fireworks activity must occur on public property.

The DLE has been actively working to combat illegal fireworks through the Illegal Fireworks Task Force, which has successfully interdicted hundreds of thousands of pounds of illegal fireworks. However, enforcement remains challenging, particularly in identifying and apprehending violators in the act. The use of UAV technology will provide law enforcement with an additional tool to effectively document violations and establish probable cause for arrests, especially during peak fireworks activity periods.

The appropriation of \$1,000,000 for the purchase of UAVs is crucial for implementing this enhanced enforcement capability. This funding will enable law enforcement agencies to acquire the necessary equipment to conduct aerial surveillance of public areas where illegal fireworks activities frequently occur, while maintaining compliance with constitutional protections and privacy rights since recordings will be limited to public property.

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

PUBLIC DEFENDER

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SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
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DISTRICT COURT DIVISION
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STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

February 24, 2025

ASSISTANT PUBLIC DEFENDER

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HB550, HD1: RELATING TO FIREWORKS

Chair Yamashita, Vice Chair Takenouchi and Members of the Committee on Finance

The Office of the Public Defender (OPD) **opposes HB550**. This bill amends HRS § 132D-20 to make video recordings from a drone de facto probable cause for an arrest as long as the drone is above public property and the act being surveilled occurs on public property.

Section 1 of the bill is unconstitutional.

HRS § 132D-20(b)(1) already confirms that video recordings from a drone may be one of the facts and circumstances to establish probable cause for arrest. Therefore, on its face the amendment proposed by the bill is unnecessary to the extent that it authorizes the use of drone surveillance footage as probable cause for an arrest. However, the bill crosses the line and becomes unconstitutional by stating that drone surveillance footage recorded over a public property of an act committed on public property is de facto probable cause for arrest.

First, the propriety of the use of the drone to conduct such a warrantless search is always at issue and subject to judicial review of the constitutionality of the search.¹

Second, the determination of whether probable cause to arrest was properly established is subject to judicial review to determine the legality and constitutionality of

¹ In *State v. Quiday*, 141 Hawai'i 116, 405 P.3d 552 (2017), the Hawai'i Supreme Court confirmed that article I, section 7 of the Hawai'i Constitution protects the right of the people to be free from unreasonable searches, seizures and invasions of privacy, including aerial surveillance.

the arrest/seizure.² The fourth amendment to the U.S. Constitution and article I, section 7 of the Hawai'i Constitution protect the rights of citizens to be free from unreasonable searches and seizures. Article I, Section 7 states:

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures and invasions of privacy shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized or the communications sought to be intercepted.

HRS § 803-1 states that “No arrest of any person shall be made without first obtaining a warrant or other process therefor from some magistrate, except in the cases provided in this chapter or otherwise provided by law.”

HRS § 803-5, “[arrests] by police officer without warrant,” states:

- (a) A police officer or other officer of justice, may, without warrant, arrest and detain for examination any person when the officer has probable cause to believe that such person has committed any offense, whether in the officer's presence or otherwise.
- (b) For purposes of this section, a police officer has probable cause to make an arrest when the facts and circumstances within the officer's knowledge and of which the officer has reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution in the belief that a crime has been or is being committed.

“Probable cause exists when the facts and circumstances within one's knowledge and of which one has reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution to believe that an offense has been committed. This requires more than a mere suspicion but less than a certainty.” State v. Maganis, 109 Hawai'i 84, 86, 123 P.3d 679, 681 (2005) (citations omitted). “The standard for determining probable cause is a practical and nontechnical concept, which involves a balancing of the citizens' right to be free from unreasonable interference with privacy and

² See e.g. State v. Maganis, 109 Hawai'i 84, 123 P.3d 679 (2005) (defendant filed motion to dismiss in the trial court arguing that the arresting officer did not have probable cause to arrest her for UCPV. On appeal, the ICA and Hawai'i Supreme Court reviewed the trial court's probable cause determination).

from unfounded charges of crime, and the needs of the community to be protected by law enforcement[.]” Id.

[T]he long-prevailing standards on probable cause:

... seek to safeguard citizens from rash and unreasonable interferences with privacy and from unfounded charges of crime. They also seek to give fair leeway for enforcing the law in the community's protection. Because many situations which confront officers in the course of executing their duties are more or less ambiguous, room must be allowed for some mistakes on their part. But the mistakes must be those of reasonable men, acting on facts leading sensibly to their conclusions of probability. The rule of probable cause is a practical, nontechnical conception affording the best compromise that has been found for accommodating these often opposing interests. Requiring more would unduly hamper law enforcement. To allow less would be to leave law-abiding citizens at the mercy of the officers' whim or caprice.

Id. at 87-88, 123 P.3d at 682-83 (citations omitted).

It is the duty of the court to determine whether probable cause to arrest exists. The bill would, unconstitutionally and illegally, establish probable cause de facto simply because a drone recording was made over public property of an act committed on public property. This is illegal as the determination of whether probable cause for arrest existed is always subject to judicial review.³

To the extent that the bill may be attempting to confirm that a drone cannot be used to conduct a warrantless search of private property where the owner has a reasonable expectation of privacy, then such an amendment would be unnecessary as this restriction is already established under Hawai'i law. Quiday, supra. Alternatively, the bill could be amended to add language to delete subsection (c) and to amend subsection (b)(2) to state that, absent a search warrant, if unmanned aerial vehicle footage is used to establish probable cause, the unmanned aerial vehicle must be recording directly above a public park, street, sidewalk, easement, or any public property and the act leading to the arrest must have been committed on a public street, sidewalk, or other public property.

³ If the purpose of the bill is to simply confirm that drone footage can be used as one of the facts and circumstances establishing probable cause, then the proposed amendment to HRS § 132D-20 is unnecessary. See HRS § 132D-20(b)(2).

The OPD opposes Section 2 of the bill as to the use of drones in law enforcement.

The OPD generally opposes the use of drones as a tool for law enforcement. While drones can have beneficial uses, such as on search-and-rescue missions, in other contexts they may result in significant invasions of privacy and drone searches are highly susceptible to exceed their permissible scope and become unreasonable.

Drones have many beneficial uses, including in search-and-rescue missions, scientific research, mapping, and more. But deployed without proper regulation, drones equipped with facial recognition software, infrared technology, and speakers capable of monitoring personal conversations would cause unprecedented invasions of our privacy rights. Interconnected drones could enable mass tracking of vehicles and people in wide areas. Tiny drones could go completely unnoticed while peering into the window of a home or place of worship.^[4]

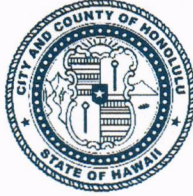
The OPD opposes increasing the funding for the use of drones in law enforcement, without additional legislation which puts in place significant safeguards on the use of the drones as a condition of funding.

Thank you for the opportunity to comment on this measure.

⁴ Domestic Drones, aclu.org (<https://www.aclu.org/issues/privacy-technology/surveillance-technologies/domestic-drones>).

KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR
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CHIEF
KAHU MĀKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE RI-HR

February 25, 2025

The Honorable Kyle T. Yamashita, Chair
and Members
Committee on Finance
House of Representatives
415 South Beretania Street, Room 308
Honolulu, Hawai'i 96813

Dear Chair Yamashita and Members:

SUBJECT: House Bill No. 550, H.D. 1, Relating to Fireworks

I am Raynor M. Ikehara, Major of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu.

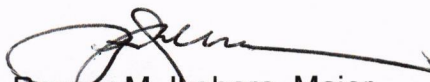
The HPD supports House Bill No. 550, H.D. 1, Relating to Fireworks.

The HPD supports all legislation that aims to reduce the use of illegal fireworks by strengthening current fireworks laws.


The HPD urges you to support House Bill No. 550, H.D. 1, Relating to Fireworks.

Thank you for the opportunity to testify.

Sincerely,


Raynor M. Ikehara, Major
Narcotics/Vice Division

APPROVED:


Arthur J. Logan
Chief of Police



Hawaii Representatives & Senators:

On behalf of the Libertarian Party of Hawaii, I am writing to express our strong opposition to any prohibitions and enforcement measures targeting fireworks. We believe Hawaiians have the right to pursue and engage in any activities that bring them joy and fulfillment.

Fireworks prohibitions and regulations infringe upon the freedom of our citizens to partake in this time-honored custom, diminishing the spirit of celebration and unity that fireworks bring.

Implementing strict enforcement measures to crack down on fireworks usage would only serve to burden law enforcement resources, and divert needed attention away from more pressing issues. Prohibitions and heavy enforcement will lead to unnecessary conflict between police and citizens, eroding trust and creating an atmosphere of fear and animosity. Causing harm against another person is already illegal, and crimes can already be prosecuted without these new tyrannical enforcement measures.

The Libertarian Party of Hawaii stands firm in our support of individual freedom and opposes any measures that encroach upon our citizens' rights.

In Freedom,

Abbra Green

Executive Secretary, Libertarian Party of Hawaii

lphisecretary@gmail.com



Hawaiian Humane Society

People for animals. Animals for people.

Date: Feb. 24, 2025

To: Chair Rep. Kyle T. Yamashita
Vice Chair Rep. Jenna Takenouchi
and Members of the Committee on Finance

Submitted By: Stephanie Kendrick, Director of Community Engagement
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of HB 550, HD1: Relating to Fireworks
Tuesday, Feb. 25, 2025, 12 p.m., Room 308 & Videoconference

On behalf of the Hawaiian Humane Society, thank you for considering our support for House Bill 550, HD1, Part I of which allows recordings made by law enforcement agencies who are using, controlling, or operating unmanned aerial vehicles to establish probable cause for arrests under the Fireworks Control Law if the unmanned aerial vehicle is recording directly above public property and the act leading to the arrest is committed on public property. Part II of which appropriates funds to the Department of Law Enforcement for the purchase of unmanned aerial vehicles to monitor the use of illegal fireworks.

This measure allows police to shoot drone footage from airspace above public property and use such footage as evidence of fireworks violations. It also appropriates funds to purchase drones. Hawaiian Humane supports providing law enforcement with the tools needed to keep fireworks out of our residential neighborhoods. Despite tragic deaths and injuries spanning many years - and reaching a new level of horror on O'ahu this year - the crime of using illegal fireworks is rarely punished. This measure attempts to remedy that failure of our legal system.

These bombs increasingly go off without regard to date and terrorize pets and people alike. The unpredictable barrage makes it impossible to prepare and creates sustained stress, which can do lasting damage to emotional, mental and physical health.

Please pass HB550, HD1, and support local law enforcement. Mahalo for your consideration.

HB-550-HD-1

Submitted on: 2/22/2025 3:54:21 PM

Testimony for FIN on 2/25/2025 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I am in full support of every bill which will work to stop the lawlessness of illegal fireworks. We need to take a holistic approach to the problem, to make the community safe from the horrific noise, injuries, death of what clearly is not cultural behavior, to save those with PTSD from more trauma, and to spare our pets from this terror. Please support all fireworks bills, throw the book at those using illegal fireworks and increase enforcement.

Using drones is an important tool. They will clearly catch those in the act when law enforcement is not on the scene.

HB-550-HD-1

Submitted on: 2/22/2025 8:33:46 PM

Testimony for FIN on 2/25/2025 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Individual	Support	Written Testimony Only

Comments:

SUPPORT!

HB-550-HD-1

Submitted on: 2/23/2025 9:50:53 AM

Testimony for FIN on 2/25/2025 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Willis	Individual	Oppose	Written Testimony Only

Comments:

I Strongly Oppose

HB-550-HD-1

Submitted on: 2/23/2025 7:00:07 PM

Testimony for FIN on 2/25/2025 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Beverly Heiser	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Yamashita, Vice Chair Takenouchi, and Committee Members,

I SUPPORT HB550, HD1 that PART I: Allows video recordings made by law enforcement agencies who are using, controlling, or operating an unmanned aerial vehicles to establish probable cause for an arrest under the Fireworks Control Law if the unmanned aerial vehicle is recording directly above a public park, street, sidewalk, easement, or any public property and the act leading to the arrest is committed on a public street, sidewalk, or other public property. PART II: Appropriates funds to the Department of Law Enforcement for the purchase of unmanned aerial vehicles to monitor the use of illegal fireworks.

The use of illegal fireworks on public property presents a danger to cars, and its' occupants driving by, or trying to make their way down a street. A loud unexpected boom can startle a driver. Hot ambers can cause burn marks on cars. Misfired aerals can break windows or enter a car if the window is down. Pedestrians are in danger of getting injured from fireworks. Public parks and other public places are left with debris that can cause injuries such as sharp pieces of plastics or sticks from aerals. Fireworks leave a mess of tubes, pieces of cardboard, and papers, that scatter everywhere and can be difficult to clean-up if violators leave this mess behind.

Allowing law enforcement agencies to use drones to establish probable cause for arrest may be a good way to solve this problem.

Please pass HB550, HD1 to use as another way to crack down on illegal fireworks and places where fireworks should not be used.

Thank you for the opportunity to testify.

HB-550-HD-1

Submitted on: 2/23/2025 8:53:26 PM

Testimony for FIN on 2/25/2025 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicholas Zehr	Individual	Oppose	Written Testimony Only

Comments:

Honorable Chair, Vice Chair, and Members of the Committee,

I appreciate the legislature’s commitment to public safety; however, I strongly oppose the provisions in this bill on the grounds of privacy, fiscal responsibility, and respect for cultural practices. While the intent of preventing dangerous fireworks is understandable, the approach outlined here is overly invasive, financially imprudent, and potentially detrimental to individual liberties.

The bill authorizes the use of unmanned aerial vehicles (UAVs) to capture video footage that can establish probable cause for fireworks-related arrests—even when such evidence is collected without traditional witness corroboration. While it is recognized that individuals in public spaces have a reduced expectation of privacy, the shift toward relying primarily on automated surveillance creates risks:

- **Erosion of Due Process:** Permitting drone recordings to serve as sole evidence without the safeguard of direct witness authentication diminishes traditional checks on law enforcement. For instance, without robust oversight, misinterpretations of footage may lead to wrongful arrests, a concern substantiated by similar issues seen in other jurisdictions with expansive surveillance programs.
- **Potential for Mission Creep:** Once deployed for fireworks enforcement, there is a real risk that these surveillance measures could be expanded to other areas of law enforcement without adequate legislative oversight. To address these concerns, I propose that any use of UAVs be accompanied by strict limitations, transparent audit trails, and independent review to ensure accountability.

The bill allocates \$1,000,000 per year for the acquisition of UAVs. While public safety is essential, this expenditure appears disproportionate given the nature of the offense:

- **Cost-Benefit Analysis:** There is insufficient evidence provided that the investment in drone technology will yield benefits commensurate with its cost. More cost-effective measures—such as community-based oversight, targeted public education on fireworks safety, or improved local enforcement training—could be pursued without compromising personal freedoms or subjecting taxpayers to high surveillance expenses.
- **Alternative Funding Priorities:** Hawaii faces several pressing fiscal challenges including infrastructure, housing, and healthcare. Redirecting these funds toward

addressing such critical issues would provide more tangible benefits to our communities while still allowing for responsible, limited law enforcement where necessary.

Fireworks have long held a place in Hawaii's cultural and community celebrations. A blanket approach to enforcement risks undermining traditions without sufficiently distinguishing between dangerous practices and benign cultural expressions:

- **Tailored Regulation vs. Blanket Enforcement:** Instead of enforcing a broad, punitive measure that might inadvertently penalize responsible behavior, a more nuanced approach would **differentiate between harmful fireworks use and legitimate cultural activities**. Regulatory measures should respect personal freedoms and cultural heritage while ensuring safety, such as through permitting systems or designated celebration zones.
- **Balancing Public Safety with Liberty:** Recognizing the importance of public safety, I encourage the legislature to **incorporate specific safeguards that prevent the misuse of surveillance technology** and ensure that enforcement is both targeted and respectful of individual rights. This balanced approach would address the legitimate concerns of public harm without sacrificing personal liberty.

In summary, while the bill's intent to curb dangerous fireworks use is commendable, its reliance on pervasive UAV surveillance, questionable fiscal priorities, and potential disregard for cultural practices raise significant concerns. I urge the legislature to reconsider this approach and instead adopt a strategy that maintains strong protections for civil liberties, ensures fiscal prudence, and honors the cultural traditions of Hawai'i.

Thank you for your consideration.

Sincerely,
Nicholas Zehr

HB-550-HD-1

Submitted on: 2/24/2025 1:45:17 PM

Testimony for FIN on 2/25/2025 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support

HB-550-HD-1

Submitted on: 2/24/2025 9:45:36 PM

Testimony for FIN on 2/25/2025 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patricia Podach	Individual	Support	Written Testimony Only

Comments:

Thank you for your consideration of one change I would like to suggest concerning HB550. I live in an area of Wailuku where we continue to have nearly daily explosions or fireworks, with many of them being set off approximately 300 feet from my house, and probably only about 150 feet from my neighbor's home. In the past 2 weeks we have heard 5 explosions and about 17 fireworks set off, with the explosions occurring any time between 7:30 pm and 2:30 am. The majority are being set off on private property. I would like consideration given to add that video recording would be allowed over private property with the owner 's permission, since these are almost all being set off on undeveloped private property that is currently void of residences.

Thank you.