



**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2025**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 1324, S.D. 1, RELATING TO FIREWORKS.

**BEFORE THE:**

SENATE COMMITTEES ON JUDICIARY AND ON WAYS AND MEANS

**DATE:** Wednesday, February 19, 2025      **TIME:** 10:16 a.m.

**LOCATION:** State Capitol, Room 211

**TESTIFIER(S):**      **WRITTEN TESTIMONY ONLY.**

(For more information, contact Tricia M. Nakamatsu,  
Deputy Attorney General, at 808-586-1200)

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Chairs Rhoads and Dela Cruz and Members of the Committees:

The Department of the Attorney General (Department) strongly supports this bill. We also suggest an amendment, at the end of this testimony.

The purpose of this bill is to facilitate more effective enforcement of Hawaii's fireworks control laws, by: (1) amending definitions for fireworks offenses to reflect more common-sense standards; (2) strengthening and clarifying existing criminal fireworks offenses; (3) establishing new fireworks offenses; (4) establishing heightened penalties for repeat offenders and fireworks offenses that result in substantial or serious bodily injury or death; and (5) establishing non-criminal fireworks infractions for the lowest-level offenses.

Criminal statutes serve as a deterrent to illegal activity when they are effectively enforced and prosecuted. For many years, however, Hawaii's state laws regarding illicit fireworks have made it difficult for state and county agencies to enforce or prosecute these types of cases. When asked, prosecutors have repeatedly cited challenges posed by "gathering evidence and meeting the high burden of proof necessary for convictions",<sup>1</sup> as well as "stringent definitions [in statute, that] . . . routinely create

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<sup>1</sup> See Legislative Reference Bureau of Hawaii, *Blast From the Past: An Update to the Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of*

roadblocks to effective prosecution."<sup>2</sup> Thus, only a small number of criminal fireworks cases have been initiated by law enforcement, and an even smaller number have been prosecuted, resulting in a largely "ineffective deterrent" to the distribution and use of illicit fireworks.

This bill addresses concerns raised by prosecutors and provides clarity and efficiency for law enforcement, prosecutors, and courts that handle these cases.

### **DEFINITIONS**

This bill's proposed amendments to definitions for "aerial device," "consumer fireworks," and "fireworks," under section 132D-2, Hawaii Revised Statutes (HRS) (page 40, line 13, to page 43, line 3, and page 44, lines 1-18), present a straightforward, common-sense standard that could arguably be established through laypeople's observations and testimony, in many cases, without requiring the presentation of any physical evidence or expert witnesses.

Currently, proving beyond a reasonable doubt that an item meets the definition of an "aerial device," "consumer fireworks," or "fireworks," under section 132D-2, HRS, can be difficult, and may require expert testimony regarding the aeronautical design of the item, pyrotechnic design of the item, and comparison to federal definitions. Fireworks cases may also be difficult to prove when the illicit fireworks have already exploded and are unrecoverable. The proposed definition of aerial fireworks takes into account that virtually every adult in Hawaii already "knows" what aerial fireworks are and could positively identify one rising up into the sky, based on their own observations, without the assistance of forensic testing or expert witnesses.

### **STRENGTHENING AND CLARIFYING EXISTING CRIMINAL OFFENSES**

This bill amends existing criminal fireworks offenses to include wording and standards that are more amenable to prosecution, and penalties that are more proportionate to the prohibited acts.

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2011 at 13, 14 (December 2019) [https://lrb.hawaii.gov/wp-content/uploads/2019\\_BlastFromThePast.pdf](https://lrb.hawaii.gov/wp-content/uploads/2019_BlastFromThePast.pdf) (last visited January 20, 2025).

<sup>2</sup> *Id.*, at 14.

Currently, section 132D-5, HRS, groups a number of very dangerous acts, such as throwing ignited fireworks from or into a vehicle, together with much less serious acts, such as setting off consumer fireworks with a permit but outside of the permitted times, and classifies all of these offenses as a violation, with no possible jail time and only a potential fine of up to \$5,000. This bill separates out the various acts based on the level of dangerousness and place them under standalone offenses (i.e., "Consumer fireworks prohibitions" on page 35, line 13, to page 37, line 2; "Removal or extraction of pyrotechnic contents; prohibited" on page 35, lines 8-12; "General fireworks or articles pyrotechnic prohibitions in the second degree" on page 29, line 9, to page 32, line 9; and "General fireworks or articles pyrotechnic prohibitions in the first degree" on page 46, line 1, to page 48, line 17). Penalties for these standalone offenses range from an infraction carrying only a \$200 fine, to class C felonies facing up to a \$5,000 fine and/or up to five years imprisonment.

To support effective prosecution, two of the standalone offenses proposed provide strict liability for certain elements of the offense. These include strict liability for: (1) an offender's distance from sensitive areas, such as a hospital, when setting off an aerial device, display fireworks, or articles pyrotechnic, in violation of "General fireworks or articles pyrotechnic prohibitions in the second degree" (page 32, lines 3-9); and (2) an offender's knowledge of the date or time, when buying consumer fireworks outside of the permitted dates or times, in violation of "Consumer fireworks prohibitions" (page 36, lines 8-16). Requiring prosecutors to prove that an offender was aware of such a distance, or aware of the date and time, when committing these types of offenses, seems unreasonable and may provide an easy way for offenders to avoid prosecution. The Department believes it is reasonable to hold people to a certain level of responsibility if they choose to participate in these types of activities.

### **ESTABLISHING NEW OFFENSES**

Given heightened concerns over illicit fireworks or articles pyrotechnic being transported in airplanes, this bill establishes such activity as a new standalone offense, as a class C felony ("Sending or receiving fireworks or articles pyrotechnic by air delivery; prohibited," on page 32, line 10, to page 33, line 15).

Also, given the creation of fireworks infractions, discussed further below, a new standalone offense for "Refusal to provide identification" is established on page 37, lines 3-15, based on similar wording found in section 291C-172, HRS. It provides law enforcement and courts with some level of assurance that offenders who are issued fireworks infractions provide their actual name and mailing address for the citation. This information is necessary for courts to process the citations, particularly if the person fails to respond to the citation (i.e., pay the fine, write to the court, or request a hearing).

As mentioned above, section 132D-5, HRS, "General fireworks or articles pyrotechnic prohibitions in the first degree," currently prohibits "throw[ing], catapult[ing], or otherwise manually propel[ling] any ignited consumer fireworks, aerial devices, display fireworks, or articles pyrotechnic" under certain circumstances, and that prohibition remains under section 132D-5, HRS, in this bill (page 46, lines 1-12). To ensure that throwing, catapulting, or otherwise manually propelling ignited fireworks or articles pyrotechnic is prohibited, this bill adds an additional provision under section 132D-A, HRS, "General fireworks or articles pyrotechnic prohibitions in the second degree" (page 30, lines 12-14). Finally, additional reporting requirements are established for any carrier or person shipping controlled fireworks or articles pyrotechnic into Hawaii, or interisland, on pages 37, line 16, to page 39, line 6.

### **ESTABLISHING HEIGHTENED PENALTIES UNDER CERTAIN CIRCUMSTANCES**

In addition to the usual penalty for any given offense, certain offenses (i.e., "General fireworks or articles pyrotechnic prohibitions in the second degree" on page 29, line 9, to page 32, line 9; "Distributing fireworks and articles pyrotechnic to non-permit holder" on page 33, line 16, to page 35, line 7; "General fireworks or articles pyrotechnic prohibitions in the first degree" on page 46, line 1, to page 48, line 17; "Liability of parents or guardians" on page 54, line 10, to page 56, line 9; all offenses covered by section 132D-14, on page 56, line 12, to page 61, line 13; and "Liability of homeowner, renter, or person otherwise responsible for real property" on page 63, line 11, to page 65, line 20) could be subject to enhanced penalties if the offender was previously convicted of a crime under chapter 132D, HRS, within ten years prior to the new offense, or if any of the illicit fireworks or articles pyrotechnic causes substantial

bodily injury, serious bodily injury, or death to another person. Whatever the usual level of offense, this enhanced penalty could increase the level of offense by one or two grades. The offense of distributing aerial devices without a permit would normally be a class C felony (i.e., up to five years imprisonment and/or up to a \$5,000 fine), but it becomes a class B felony (i.e., up to ten years imprisonment and/or up to a \$10,000 fine) if the offender had a prior fireworks-related conviction in the past ten years, or if the illicit fireworks caused substantial bodily injury to anyone; and it becomes a class A felony (i.e., up to twenty years imprisonment and/or up to a \$20,000 fine) if the illicit fireworks caused serious bodily injury or death.

For nearly all of these enhanced penalties, the offender would be held strictly liable with respect to any knowledge that the illicit fireworks would cause such injuries or death. In other words, it would not be a defense to prosecution if offenders claim they had no reason to know the illicit fireworks would cause such injuries or death. For "General fireworks or articles pyrotechnic prohibitions in the first degree" on page 46, line 1, to page 48, line 17, offenders would be held to a negligent state of mind for this type of enhanced sentencing, meaning prosecutors would only have to show that offenders should have been aware that there was a substantial and unjustifiable risk their actions could cause injuries or death.

Aside from the offenses noted above, other offenses (i.e., "Sending or receiving fireworks or articles pyrotechnic by air delivery; prohibited" on page 32, line 10, to page 33, line 15; and "Importing, storing, or distributing controlled fireworks or articles pyrotechnic without a license" on page 56, line 12, to page 57, line 3; and "Liability of homeowner, renter, or person otherwise responsible for real property" on page 63, line 11, to page 65, line 20) could be subject to enhanced penalties if the offender was convicted of a crime under chapter 132D, HRS, within ten years prior to the new offense, or if the illicit fireworks or articles pyrotechnic were over a certain weight.

The level of offense charged for purchasing, possessing, setting off, igniting, or discharging controlled fireworks or articles pyrotechnic without a permit would be based on weight, as shown on page 57, lines 15, to page 58, line 11, with fifty pounds or more of illicit fireworks being a class B felony. Enhanced sentencing for repeat offenders, or

causing substantial or serious bodily injury or death, would apply on top of any criminal penalties.

### **ESTABLISHING NON-CRIMINAL FIREWORKS INFRACTIONS**

While much of the bill addresses high-level offenses, such as importing or distributing large amounts of illicit fireworks, or incidents that result in serious injury or death, the bill also establishes penalties for fireworks infractions on page 58, lines 7-11, with non-criminal penalties for purchasing, possessing, or setting off small amounts of illicit aerial devices, display fireworks, or articles pyrotechnic. While it may seem counterintuitive to eliminate jail as a penalty for these types of offenses, the Department believes this would allow law enforcement agencies and courts to hold a much higher number of individuals accountable for their use of illicit fireworks quickly and safely and thus make more efficient use of limited resources at certain critical times of the year.

Similar to the way non-criminal traffic citations are issued now, a law enforcement officer could issue multiple fireworks citations without having to spend additional time interviewing witnesses, collecting evidence, or writing police reports, all of which may be necessary when trying to build a criminal case. Due to the lower standard of proof for fireworks infractions, these citations could be issued based solely on the officer's observations, and then the officer could move on to continue patrolling the community or addressing other calls. When applicable, fireworks infractions could also be based on the observations of other witnesses.

Once a fireworks citation is issued, the recipient may then pay their fine, mail-in an explanation to the court, or request a live hearing before a judge, similar to a traffic infraction. Details regarding the notices of infraction and the adjudications process are established in a new chapter that is very similar to chapter 291D, on page 2, line 21, to page 29, line 8. The bill establishes a \$300 fine for purchasing, possessing, or setting off less than five pounds of illicit aerial devices, display fireworks, or articles pyrotechnic (or if the weight is undeterminable, possibly because it exploded), on page 58, lines 7-11.

Consumer fireworks prohibitions are also designated as infractions, on page 35, line 13, to page 37, line 2, as are violations of the new section 132D-G (Requirements of Carrier) on page 37, line 16, to page 39, line 6.

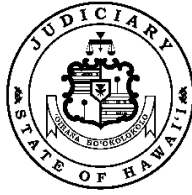
**RECOMMENDED AMENDMENT**

To ensure that people who hold permits to use aerial devices, display fireworks, or articles pyrotechnic pursuant to section 132D-10 and 132D-16, HRS, are able to continue using those permits for fireworks displays as intended, the Department recommends amending the wording in section 132D-A (, "General fireworks or articles pyrotechnic prohibitions in the second degree) on page 29, lines 9-13 (underscoring removed from new material in bill, to Ramseyer additional changes):

(a) A person commits the offense of general fireworks or articles pyrotechnic prohibitions in the second degree if the person without a permit issued pursuant to section 132D-10 and 132D-16 intentionally, knowingly, or recklessly: . . . ."

In separating out various offenses from the existing section 132D-5, HRS, and creating section 132D-A, similar language was intentionally deleted from section 132D-5, HRS, as amended, but inadvertently omitted from section 132D-A.

The Department respectfully requests the passage of this important bill with the recommended amendment. Thank you for the opportunity to testify on this bill.



*The Judiciary, State of Hawaii*

**Testimony to the Thirty-Third State Legislature, 2025 Session**

**Senate Committee on Ways and Means**

Senator Donovan Dela Cruz, Chair  
Senator Sharon Moriwake, Vice Chair

**Senate Committee on Judiciary**

Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

Wednesday, February 19 2025, 10:16 a. m.  
State Capitol, Conference Room 211

By

Mai T. NguyenVan,  
Information Technology and Systems Director, Hawai'i State Judiciary

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 1324, S.D. 1, Relating to Fireworks.

**Purpose:** 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)

**Judiciary's Position:**

The Judiciary takes no position as to the merits of this bill but wishes to respectfully request an effective date of August 1, 2025 in order to ensure new system codes are ready.

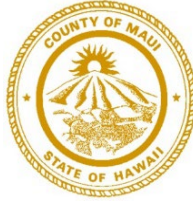
Thank you for the opportunity to comment on this measure.



**RICHARD T. BISSEN, JR.**  
Mayor

**ANDREW H. MARTIN**  
Prosecuting Attorney

**SHELLY C. MIYASHIRO**  
First Deputy Prosecuting Attorney



**DEPARTMENT OF THE PROSECUTING ATTORNEY**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625

TESTIMONY ON  
S.B. 1324 SD1  
RELATING TO FIREWORKS

February 18, 2025

The Honorable Donovan M. Dela Cruz  
Chair  
The Honorable Sharon Y. Moriwaki  
Vice Chair  
and Members of the Committee on Ways and Means

The Honorable Karl Rhoads  
Chair  
The Honorable Mike Gabbard  
Vice Chair  
and Members of the Committee on Judiciary

Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Members of the Committees:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of S.B. 1324 SD1, Relating to Fireworks**. This bill amends multiple definitions and penalties for fireworks offenses, as well as create a fireworks infraction adjudication system and new fireworks offenses.

The Department of the Prosecuting Attorney, County of Maui supports this bill because it would help protect our community from the yearly effects of illegal fireworks, such as fire- and explosion-related property damage and injuries, respiratory distress stemming from fireworks smoke and annual trauma to humans and animals stemming from loud fireworks explosions. We would note that videos depicting staggering amounts of illegal fireworks being set off every New Year's Eve are readily viewable online and illustrate the inadequacy of our current laws. In our view, S.B. 1324 SD1's increased penalties and proposed fireworks infraction adjudication process would go a long way to deterring the sale, purchase and use of illegal fireworks, as well

as ensuring that people who willfully disobey the law are held accountable to an appropriate degree for their actions.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports S.B. 1324 SD1**. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

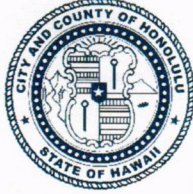
Thank you very much for the opportunity to provide testimony on this bill.

HONOLULU POLICE DEPARTMENT  
KA 'OIHANA MĀKA'I O HONOLULU  
**CITY AND COUNTY OF HONOLULU**

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813  
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**LATE**

RICK BLANGIARDI  
MAYOR  
MEIA



ARTHUR J. LOGAN  
CHIEF  
KAHU MĀKA'I

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

OUR REFERENCE RI-HR

February 19, 2025

The Honorable Donovan M. Dela Cruz, Chair  
and Members  
Committee on Ways and Means  
The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
State Senate  
415 South Beretania Street, Room 211  
Honolulu, Hawaii 96813

Dear Chairs Dela Cruz and Rhoads and Members:

SUBJECT: Senate Bill No. 1324, S.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 Senate Bill No. 1324, S.D. 1, Relating to Fireworks.


This bill aims to simplify the definitions of fireworks and streamline enforcement. 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 air pollution, and recurring trauma to afflicted persons due to loud explosions.

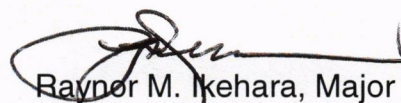
The HPD urges you to support Senate Bill No. 1324, S.D. 1, Relating to Fireworks.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

  
\_\_\_\_\_  
RD Arthur J. Logan  
Chief of Police

  
\_\_\_\_\_  
Raynor M. Ikehara, Major  
Narcotics/Vice Division



**OAHU FILIPINO COMMUNITY COUNCIL**  
**Honolulu, Hawaii**

**February 15, 2025**

**Testimony in Support of SB1324 SD1: Relating to Fireworks**

**To:** Chair Donovan M. Dela Cruz, Chair Karl Rhoads, Vice Chair Sharon Y. Moriwaki, Vice Chair Mike Gabbard, and Members of the Committee on Ways and Means and Committee on Judiciary

**Date:** Wednesday, February 19, 2025

**Time:** 10:16 AM

**Place:** Conference Room 211 & Videoconference

**From:** The Oahu Filipino Community Council

**Subject:** Support for SB1324 SD1 - Relating to Fireworks Offenses and Regulations

**Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Members of the Committee on Ways and Means and Committee on Judiciary,**

The Oahu Filipino Community Council strongly supports SB1324 SD1, which amends multiple definitions and penalties for fireworks offenses and establishes various criminal offenses and procedures related to fireworks. This measure is crucial for enhancing public safety and ensuring responsible use and regulation of fireworks in our community.

**Key Points:**

1. **Enhanced Penalties:** SB1324 SD1 imposes heightened penalties if another person suffers substantial bodily injury, serious bodily injury, or death as a result of fireworks offenses. This will deter reckless and dangerous use of fireworks.
2. **Establishing Criminal Offenses:** The bill establishes criminal offenses for 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 holders, removal or extraction of pyrotechnic contents, consumer fireworks prohibitions, refusal to provide identification, and violating

requirements of carriers. These offenses provide a comprehensive framework for addressing various illegal activities related to fireworks.

3. **Adjudication System:** SB1324 SD1 establishes an adjudication system and procedures to process fireworks infractions. This ensures that violations are handled efficiently and fairly, contributing to effective enforcement.

#### **Arguments in Support:**

**Protecting Public Safety:** Enhanced penalties and the establishment of criminal offenses for fireworks-related activities are essential for protecting public safety. Fireworks can pose significant dangers if not used responsibly, leading to injuries, property damage, and even fatalities. By imposing stricter penalties and defining clear offenses, SB1324 SD1 will help prevent such incidents and promote safer use of fireworks.

**Ensuring Accountability:** The bill addresses various illegal activities related to fireworks, ensuring that individuals and entities involved in these activities are held accountable. This is particularly important for preventing the illegal distribution and transportation of fireworks, which can contribute to unregulated and unsafe use.

**Efficient Enforcement:** Establishing an adjudication system and procedures to process fireworks infractions is a critical step towards efficient enforcement. This system will streamline the handling of violations, ensuring that cases are resolved promptly and fairly. It also provides a clear mechanism for addressing fireworks-related offenses, contributing to overall public safety.

**Appropriating Funds:** SB1324 SD1 appropriates funds to support the implementation and enforcement of the regulations and penalties outlined in the bill. This ensures that the necessary resources are available to effectively enforce the provisions and protect the community from the dangers associated with fireworks misuse.

We believe that SB1324 SD1 is a vital measure to enhance public safety and ensure responsible use and regulation of fireworks in Hawai'i. We urge the Committee to favorably consider SB1324 SD1 and support its passage.

**Sincerely,**

**Melodie Aduja**

**Chair, Social Action Committee**

**Director, Oahu Filipino Community Council**



## Hawaiian Humane Society

People for animals. Animals for people.

Date: Feb. 17, 2025

To: Chairs Sens. Donovan M. Dela Cruz and Karl Rhoads  
Vice Chairs Sens. Sharon Y. Moriwaki and Mike Gabbard.  
and Members of the Committees on Ways and Means, and Judiciary

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

RE: Testimony in support of SB 1324, SD1: Relating to Fireworks  
Wednesday, Feb. 19, 2025, 10:16 a.m., Room 211 & Videoconference

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On behalf of the Hawaiian Humane Society, thank you for considering our support for Senate Bill 1324, SD1, which 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; and appropriates funds.

Hawaiian Humane supports any attempt to restrict fireworks from 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 SB132, SD1, and hold the perpetrators of these crimes accountable. Mahalo for your consideration.

# Hawaii Explosives & Pyrotechnics, Inc.

P.O. Box 1244  
Keaau, HI 96749-1244  
[hepinc@hipyro.com](mailto:hepinc@hipyro.com)  
(808) 968-0600



February 10, 2025

Messrs. Donovan Dela Cruz and Karl Rhoads, Chairpersons  
WAM/JDC Committees  
Hawaii State Senate  
State Capitol, Conference Room 211  
Honolulu, HI 96813

Re: Senate Bill 1324 SD1, Relating to Fireworks

Dear Chairs Dela Cruz, Rhoads, and members of the committee,

As a licensed professional fireworks display company, we are in support of legislation that seeks to improve enforcement of fireworks control laws and protects the community from the unpermitted and inappropriate use of fireworks designed for professional use within the community. However, we are concerned with a number of proposed revisions to the HRS§132D that are suggested in the current version of Senate Bill 1324 SD1, Relating to Fireworks.

Section 3 through 5 of Senate Bill 1324 suggests new sections added and revisions made to the existing statute. We would respectfully request several revisions to the bill that would exempt the permitted commercial display of fireworks. Such displays are subject to review under the existing permit process specified in HRS 132§D-16, and the permitting authority already has wide latitude to regulate and limit the use of fireworks based upon safety and nuisance criteria.

Many of the additions and revisions proposed would eliminate commercial displays permitted under 132D-16 by licensed commercial fireworks companies. Since the main objective of the bill is to further restrict the unauthorized, unlicensed, unpermitted use of fireworks by the general public, we would suggest an exemption be added to §132D-6 to exempt companies in good standing that are otherwise in compliance with the statute.

Alternatively, some of the specific areas to address in SB 1324 are as follows:

On pages 27, line 4 through page 29, line 19, SB 1324 adds section 132D-A, "General fireworks or articles pyrotechnic prohibitions in the second degree." Page 27, line 11 through page 28, line 3 list numerous areas where the use of fireworks would be prohibited. As written, these prohibitions would prohibit most commercial public displays. An example would be p. 27, line 19, "...on any public beach...." This would prohibit the Friday Night Fireworks display held every week. Likewise, p. 28 line 3 "...within five hundred feet of any dwelling..." would eliminate the use of articles pyrotechnic at any hotel or resort under the bill's proposed definition of "dwelling." Our suggestion would be to keep the existing language in the HRS§132D-5 that states "without a permit issued under section 132D-10 by 21 a county fire department...."



On pages 29, line 20 through page 31, line 2, SB1324 adds section 132D-B, "Sending or receiving fireworks or articles pyrotechnic by air delivery; prohibited." Pyrotechnics that are classified under the USDOT 49 CFR as Articles Pyrotechnic, UN0431 and UN0432 can be shipped via air as long as they are properly packaged, labeled and declared on the shipping papers. Indeed, most theatrical pyrotechnic effects used for concerts, plays, sporting events, movie and television productions, and similar performances throughout the United States are shipped via air transport. Since the transportation of hazardous materials is already regulated by the USDOT, and substantial penalties are imposed for the improper declaration or packaging of these items, our suggestion would be to eliminate 132D-B from the bill as it is redundant, and the requirement is already established in 132D-8.6.

On pages 35, line 1 through page 36, line 2, SB1324 adds section 132D-G, "Requirements of Carrier." This section adds requirements for the carrier to notify the "appropriate county official and designated state law enforcement agencies" when shipping pyrotechnic devices. It is our opinion that it should be the responsibility of the shipper to send notification to the relevant State authorities as they are the entity tasked with initiating the transport. In cases where the shipper is an entity who resides outside the State of Hawaii, and jurisdiction is limited, the responsibility should fall to the recipient and/or consignee to carry out notification. As stated earlier, it is the responsibility of the Shipper under federal law to properly package, label and document any shipment of hazardous material. It is the responsibility of the Carrier to reject any hazardous material that is not properly packaged, labeled and documented. Since, in our opinion, most of the illicit fireworks found on the street are arriving into the State undeclared, this section does little to address the problem. It is our suggestion that section 132-G be eliminated.

In section 4 of the bill, pages 36, line 12 through page 42, line 18, five new definitions are suggested for the statute. Page 37, line 1, defines "Dwelling" as a "...building that is used or usually used by a person for lodging." Under this definition, a dwelling would include any hotel, resort, or other building that would be used by visitors. As stated above, the broad definition would eliminate most pyrotechnic displays that are currently permitted under 132D-16. We would suggest removing this definition.

In section 5 of the bill, pages 42, line 21 through page 45, line 13, several amendments are suggested for section 5 of the statute. Page 43, line 1, deletes the statement "without a permit issued under section 132D-10 by 21 a county fire department..." As discussed above, we suggest this statement remain in the statute.

Thank you for your careful consideration of these amendments. As a duly licensed, commercial fireworks display company we are supportive of measures that promote the safe use of fireworks designed for professionals by properly trained personnel under a comprehensive permit process, and the use of fireworks by consumers in a safe and responsible manner. We are always happy to answer any questions you may have related to this issue.

Sincerely,

Hawaii Explosives & Pyrotechnics, Inc.  
(808)968-0600  
hepinc@hipyro.com



# Hawaii Explosives & Pyrotechnics, Inc.

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February 18, 2025

Hawaii State Senate  
State Capitol, Conference Room 211  
Honolulu, HI 96813



Re: Senate Bill 1324 SD1, Relating to Fireworks

## TESTIMONY IN OPPOSITION TO SB 1324 - RELATING TO FIREWORKS

Aloha Chair and Members of the Committee,

My name is Joshua Duhaylonsod, and I am submitting testimony on behalf of Hawaii Pyrotechnics and Explosives LLC, a licensed professional fireworks company operating in the State of Hawaii. Our company provides safe, legal, and regulated fireworks displays for private events, public celebrations, and cultural traditions, including New Year's Eve, weddings, and community gatherings.

While I fully support efforts to enhance enforcement against illegal fireworks and unlicensed use, I must oppose SB 1324 in its current form due to unintended consequences that would directly impact the ability of licensed professionals to conduct permitted fireworks displays legally.

As initially drafted, SB 1324 omits essential language in HRS §132D that protects the rights of permit holders under §132D-10 and §132D-16 to conduct authorized fireworks displays. This omission would effectively criminalize professional fireworks operations, including longstanding public displays such as those held weekly at the Hilton Hawaiian Village, and at major cultural and civic events throughout the islands.

However, the Department of the Attorney General has since acknowledged this oversight and has recommended amending the bill to restore the necessary language. Specifically, their forthcoming testimony will propose an update to §132D-A to clarify that individuals with valid permits under §132D-10 and §132D-16 may continue to conduct fireworks displays as intended. This correction is critical to ensuring that the bill does not inadvertently ban legal fireworks displays conducted by trained professionals.

Until the Attorney General's recommended revisions are formally adopted into the bill, I must respectfully oppose SB 1324 in its current form. I urge the committee to incorporate these changes to preserve the integrity of Hawaii's professional fireworks industry while still addressing enforcement concerns surrounding illegal fireworks.

Mahalo for your time and consideration. I am available to provide further insight or answer any questions regarding this matter.

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Sincerely,

Joshua Duhaylonsod  
Hawaii Explosives & Pyrotechnics, Inc.  
(808) 782-3602  
Josh@hipyro.com



**SB-1324-SD-1**

Submitted on: 2/14/2025 8:36:20 PM

Testimony for JDC on 2/19/2025 10:16:00 AM

Submitted By	Organization	Testifier Position	Testify
Lynn Murakami Akatsuka	Individual	Support	Written Testimony Only

Comments:

I strongly support SB 1324, SD 1 which provides greater clarity for law enforcement, prosecutors, and the courts to handle these cases involving illicit fireworks; to enforce and/or prosecute individuals who distribute and use illicit fireworks.

It is about time that we move forward on this bill to become law for the safety our neighborhoods, our families, kapuna, young children, our veterans, and pets that are a family member.

Thank you for the opportunity to submit testimony in strong support of SB 1324, SD 1 passage this session.

**SB-1324-SD-1**

Submitted on: 2/14/2025 9:32:33 PM

Testimony for JDC on 2/19/2025 10:16:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael A. Cobb Jr	Individual	Oppose	Written Testimony Only

## Comments:

I oppose this bill, do not ban red fire crackers. Allow sparklers as well. I pay enough taxes, stop banning personal property. Start enforcing the current laws. Thank You

**SB-1324-SD-1**

Submitted on: 2/15/2025 8:33:21 AM

Testimony for JDC on 2/19/2025 10:16:00 AM

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

Comments:

I support this measure.

With the recent New Years tragedy, we need to crackdwn on illegal fireworks coming into the state.

**SB-1324-SD-1**

Submitted on: 2/15/2025 8:52:38 AM

Testimony for JDC on 2/19/2025 10:16:00 AM

Submitted By	Organization	Testifier Position	Testify
Teresa Parsons	Individual	Support	Written Testimony Only

Comments:

I stand in **STRONG** support of legislation to stop this dangerous proliferation of explosive devices in the hands of the lay public.

**SB-1324-SD-1**

Submitted on: 2/15/2025 2:50:22 PM

Testimony for JDC on 2/19/2025 10:16:00 AM

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 and increase enforcement.

**SB-1324-SD-1**

Submitted on: 2/16/2025 8:00:30 AM

Testimony for JDC on 2/19/2025 10:16:00 AM

Submitted By	Organization	Testifier Position	Testify
K Southcott	Individual	Support	Written Testimony Only

Comments:

It's about time. 2 slaps on the wrist a year are clearly not working. Expecting residents to take videos and testify and risk their safety to enforce laws is ridiculous.



**SB-1324-SD-1**

Submitted on: 2/17/2025 3:59:30 PM

Testimony for JDC on 2/19/2025 10:16:00 AM

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

Comments:

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and Committee Members,

**I STRONGLY SUPPORT SB1324 SD1,**

There are so many who believe that change will not happen, even after the Aliamanu incident. The lack of passing enforceable laws year after year have created this belief, that I hope does not hold true this year. Minor fireworks incidents are not always reported to show the danger of illegal fireworks. This past New Year's Eve, a vlog posted by a student who moved to Laie to attend college, got hit by a firework nearly missing his eye. If it had hit about a quarter inch closer, he could have been blind. He was just walking in the streets taking video of the fireworks. He ended up in the Kahuku emergency room for treatment. To see the vlog and his comments, search "Tyson's Wilderness, New Year's in Hawaii Gone Wrong".

After a slight decrease in illegal fireworks in 2023, thanks to the Illegal Fireworks Task Force making several large seizures at the docks, there was a significant increase in 2024. Bills pending this year that would establish a Fireworks Enforcement Division or increase personnel and provide what the Illegal Fireworks Task Force needs should address the problem if passed.

The Task Force has been doing an excellent job, but other current laws have proved weak, does not provide deterrence, are difficult to enforce and virtually almost impossible to prosecute. Having individuals take videos, risking retaliation, assaults, and getting injured from fireworks, have proved useless because once fireworks explodes there is no evidence, and many are not willing to testify. It was mentioned that one of the main roadblocks to enforce and prosecute illegal fireworks was the way these type of fireworks were defined.

**SB1324 SD1** provides an excellent solution by amending definitions and penalties for fireworks offenses, and implementing a dedicated adjudication system for fireworks infractions similar to traffic infractions. This will make it easier for officers to increase enforcement of end-use violators and make it easier and faster to adjudicate cases in a district or family court. An exorbitant amount is spent on fireworks, so hopefully fines will be hefty enough and escalate as needed until a point of deterrence is achieved. Slowing the flow of illegal fireworks entering the islands, together with an adjudication system would send a stronger message.

In the area where I live, aerals were most prominent this past New Year's Eve. These aerals come not from a nearby neighbor, but travel from a street or two over. What I found most

disturbing when cleaning up the mess is the use of more plastics. When these tubes explode parts of it shatters, scattering small sharp pieces of plastic in the grass. The goal is to reduce plastics, but aerials that have no useful purpose scatter it everywhere. It takes patience each year cleaning up debris that we were not responsible for. It's troubling for people who have to pay for damages caused by illegal fireworks because there is no evidence and proof who did it. A post this past New Year's Eve showed a gaping hole in a Waipahu roof where debris landed on furniture and the floor. We cringe when we hear an aerial hit our roof. My neighbor has a nice garden and plants vegetables to eat. This past New Year's Eve she actually covered what she could of her garden so firework chemicals and debris would not contaminate her plants and soil.

You would think the Aliamanu incident would make people think twice, but I still hear illegal fireworks every now and then. There was another recent incident on 1/28/25 where a 27 year-old woman sustained serious multiple shrapnel injuries after igniting fireworks.

**Please provide full support for SB1324 SD1** to prevent another Aliamanu tragedy.

Thank you for the opportunity to testify.

**SB-1324-SD-1**

Submitted on: 2/17/2025 8:20:22 PM

Testimony for JDC on 2/19/2025 10:16:00 AM

Submitted By	Organization	Testifier Position	Testify
Jada Rufo	Individual	Support	Written Testimony Only

## Comments:

As a child, my father taught me the Chinese practice of unraveling those red firecrackers and popping them one by one. My dad taught me to light that firecracker in front of my body, then toss it. I got so good at it that I got complacent and lit one on the side of my body before trying to toss it. Unfortunately, it popped in my hand.

When I was in college, I served as a missionary in California where I saw a pastor's daughter running into the house screaming for help from her parents. She and her friends had been playing with gunpowder they got from a firecracker they had taken apart. The gunpowder exploded in the girl's face, making her look like a ghost.

I've also lived in China for 14 years where I endured 14 Lunar New Year festivals and had to endure running through the streets dodging fireworks left and right and shaking my home.

I currently have a neighbor who lights illegal aerials on July 4th and the New Year. My house shakes everytime they set those things off. I have called the police multiple times, but all they can do is conduct drive bys. The neighbors stop when they see the cops. Then they resume popping when the police leave.

I have been told that in order to make an arrest, police need pictures/video of people caught in the act of setting fireworks. For me to try and get a picture it is very dangerous. The only way I can get footage is with a drone, which I don't have.

Please make it easier for people to report perpetrators so that we don't have to resort to taking photos ourselves and put ourselves in danger.

**SB-1324-SD-1**

Submitted on: 2/17/2025 9:50:07 PM

Testimony for JDC on 2/19/2025 10:16:00 AM

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

Comments:

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

I respectfully oppose SB 1324. While I acknowledge that fireworks carry inherent risks, responsible use has long been part of Hawai‘i's cultural celebrations and supports local businesses. **Rather than banning safe practices, we should target reckless behavior through existing laws.**

This bill imposes broad prohibitions and new criminal classifications that blur the line between negligent actions and lawful, celebratory use. By expanding government authority and creating sweeping penalties—even for minor infractions—SB 1324 **risks diverting resources from addressing genuinely dangerous conduct.** A more precise, evidence-based approach would protect public safety without undermining cultural traditions or individual liberty.

I urge the legislature to **enforce current statutes against demonstrable harm and to reject measures that penalize responsible behavior.** Mahalo for your time and consideration.

Sincerely,  
Nicholas Zehr

**SB-1324-SD-1**

Submitted on: 2/18/2025 2:03:46 AM

Testimony for JDC on 2/19/2025 10:16:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Chiwa	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Senator Dela Cruz, Vice Chair Senator Moriwaki and Members of the Committee on Ways and Means, and Chair Senator Rhoads, Vice Chair Senator Gabbard and Members of the Committee on Judiciary.

Please vote for SB 1324 SD 1 which I strongly support to increase penalties for fireworks offenses.

Mahalo

Jennifer Chiwa

Makiki and life long resident of Oahu

Hi



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

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