

STAND. COM. REP. NO.

1453

Honolulu, Hawaii

MAR 21, 2025

RE: S.B. No. 1324
S.D. 2
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 1324, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish an adjudication system and procedures to process fireworks infractions;
- (2) Amend and establish various definitions and penalties for fireworks offenses, including establishing heightened penalties under certain circumstances;
- (3) Establish various criminal offenses and penalties related to fireworks or articles pyrotechnics; and
- (4) Appropriate funds.

Your Committee received testimony in support of this measure from the Department of Law Enforcement; Department of the Attorney General; Department of the Prosecuting Attorney of the County of Maui; Hawai'i Police Department; Honolulu Police Department; Animal Rights Hawai'i; Pearl City Neighborhood Board No. 21; Hawaiian

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Humane Society; O'ahu County Committee of O'ahu County Democrats; and eight individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender; Libertarian Party of Hawaii; and five individuals. Your Committee received comments on this measure from Department of the Prosecuting Attorney of the City and County of Honolulu; Phantom Fireworks; and TNT Fireworks.

Your Committee finds that it has been difficult for state and county agencies to enforce or prosecute illegal fireworks cases in the State due to challenges with gathering evidence, meeting the high burden of proof necessary for convictions, and stringent definitions. This measure would largely address the concerns raised by prosecutors and provide greater clarity and efficiency for law enforcement, prosecutors, and the courts.

Your Committee further finds that H.B. No. 1483, H.D. 1 (Regular Session of 2025), a substantially similar measure, was previously passed by the House.

Your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of H.B. No. 1483, H.D. 1, a measure that:
 - (A) Establishes an adjudication system and procedures to process fireworks infractions;
 - (B) Amends multiple definitions and penalties for fireworks offense, including heightened penalties if another person suffers substantial bodily injury, serious bodily injury, or death as a result of the fireworks offense;
 - (C) Establishes various criminal offenses and penalties related to fireworks or articles pyrotechnics;
 - (D) Appropriates funds; and
 - (E) Contains an effective date of July 1, 3000, to encourage further discussion;
- (2) Specifying that the prohibition for any person to purchase, possess, set off, ignite, discharge, or



otherwise cause to explode consumer fireworks shall not limit the ability of licensed retailers to store and transport consumer fireworks;

- (3) Changing the duration a person is prohibited from distributing consumer fireworks from five days to seven days before time periods allowed under law;
- (4) Deleting language that would have authorized a person to purchase a maximum of fifty permits for consumer fireworks, aerial devices, articles pyrotechnic, or display fireworks; and
- (5) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1324, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1324, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



