

A Bill for an Act Relating to Fireworks.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,065,017,367 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 2. The legislature finds that illegal use of fireworks in Hawaii has caused brush fires, structural fires, injuries, and even death despite the various local, state, and federal laws governing the manufacture, transportation, distribution, sale, and use of fireworks. These laws continue to be violated at what appears to be an increasing rate. While law enforcement efforts to control illegal fireworks in Hawaii have had limited results, the legislature finds that a concerted multi-jurisdictional approach is needed to address the illegal fireworks problem in Hawaii.

The purpose of this Act is to establish an illegal fireworks task force to plan, coordinate, and engage in law enforcement operations to interdict illegal fireworks; develop a comprehensive strategic plan to stop the importation of illegal fireworks and explosives into Hawaii; promote compliance with the state fireworks control laws; and ensure the safety and security of the airports, harbors, and other facilities and institutions in the State against the discharge of illegal fireworks and explosives.

SECTION 3. (a) There shall be established within the department of law enforcement for administrative purposes the illegal fireworks task force. The task force shall use the findings from the legislative reference bureau's 2019 report, "Blast from the Past: An Update to the Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011", as the basis for developing a comprehensive strategic plan to stop the importation of illegal fireworks and explosives into Hawaii; promote compliance with the state fireworks control laws; and ensure the safety and security of the airports, harbors, and other facilities and institutions in the State against the discharge of illegal fireworks and explosives.

(b) The director of law enforcement or the director's designee shall be the chair of the task force.

(c) The following individuals or their designees shall serve as members of the task force:

- (1) Attorney general;
- (2) Deputy director of the harbors division of the department of transportation;
- (3) Chief of police of each county police department; and
- (4) Prosecuting attorney of each county.

(d) The chair shall invite representatives of the following federal entities to serve as members of the task force:

- (1) United States Attorney's Office, District of Hawaii;
- (2) United States Department of Homeland Security;
- (3) Federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
- (4) Federal Bureau of Investigation;

- (5) United States Coast Guard;
 - (6) United States Customs and Border Protection; and
 - (7) Office of Homeland Security Investigations of the United States Department of Homeland Security.
- (e) The task force and their represented agencies may plan, coordinate, and engage in law enforcement operations to interdict illegal fireworks and the task force shall develop a comprehensive strategic plan to stop the importation of illegal fireworks and explosives into Hawaii; promote compliance with the state fireworks control laws; and ensure the safety and security of the airports, harbors, and other facilities and institutions in the State against the discharge of illegal fireworks and explosives.
- (f) The task force shall submit an interim report on the status of its comprehensive strategic plan, including findings, recommendations, and any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2024. The task force shall submit a final report of its comprehensive strategic plan, including findings, recommendations, and any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2025.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,250,000 or so much thereof as may be necessary for fiscal year 2023-2024 to carry out the purposes of this Act, including the hiring of necessary administrative support staff for the task force, operation of the task force, and reimbursement of funds to law enforcement agencies for task-force-related law enforcement operations, including law enforcement personnel, overtime and other salary-related payments, charges for fuel, equipment, and storage and disposal of confiscated fireworks.

The sum appropriated shall be expended by the department of law enforcement for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 2023, and shall be repealed on June 30, 2025.

(Approved June 7, 2023.)

Note

- 1. Act 164.