

JAN 22 2021

A BILL FOR AN ACT

RELATING TO THE ENFORCEMENT OF LAWS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The legislature finds that the people of the
3 State deserve to live in peace and security, without the public
4 safety risks, health hazards, and traumatic impacts of illegal
5 fireworks use. The legislature also finds that Act 170, Session
6 Laws of Hawaii 2010, established an illegal fireworks task force
7 to develop strategies and make recommendations to the
8 legislature to address the illegal importation and use of
9 fireworks in the State. Among other matters, the illegal
10 fireworks task force recommended that the legislature consider
11 increasing fireworks permit fees and violation fines to deter
12 the use of illegal fireworks, decrease the supply of illegal
13 fireworks in the State, and increase funding for prevention and
14 enforcement efforts.

15 The legislature further finds that Act 184, Session Laws of
16 Hawaii 2019, directed the legislative reference bureau to update
17 the illegal fireworks task force's findings and recommendations.



1 In its report, the bureau noted that, although the legislature
2 has introduced numerous measures to increase fireworks permit
3 fees and violations fines since 2011, none of the measures were
4 enacted.

5 The legislature further finds that technologies, such as
6 ShotSpotter, which were originally developed to assist law
7 enforcement in detecting gunshots, has shown the potential to
8 assist police departments in enforcing fireworks laws. The
9 legislature finds that these technologies allow law enforcement
10 officers to instantly detect and locate the geographic origin of
11 explosions caused by gunfire or illegal fireworks. The police
12 department in Denver, Colorado, notes that this technology gives
13 notice of gunshots within forty seconds and allows police to
14 respond within twenty-five feet of the shot's origin. The
15 legislature notes that ShotSpotter is currently being used by
16 more than ninety cities nationwide, including Chicago,
17 Milwaukee, and San Diego.

18 The legislature further finds that other technologies may
19 assist law enforcement in data collection pertaining to illegal
20 fireworks, including the website-based reporting tool created
21 and supported by various agencies in Clark County, Nevada. The



1 legislature finds that the Clark County website has successfully
2 forwarded thousands of complaints to Clark County law
3 enforcement agencies since 2018.

4 PART II

5 SECTION 2. The purpose of this part is to implement the
6 recommendations of the 2010 illegal fireworks task force by:

7 (1) Raising the fireworks display permit fee from \$110 to
8 \$150;

9 (2) Increasing the fine for certain fireworks violations
10 from \$2,000 per violation to \$5,000 per violation;

11 (3) Clarifying that each aerial device, display firework,
12 or article pyrotechnic having a total weight of
13 twenty-five pounds or less that is illegally imported,
14 transferred, or sold constitutes a separate violation;
15 and

16 (4) Increasing the penalty for removing or extracting the
17 pyrotechnic contents from any fireworks or articles
18 pyrotechnic for certain uses.

19 SECTION 3. Section 132D-10, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "**§132D-10 Permits.** A permit shall be required for the
2 purchase and use of:

3 (1) Any consumer fireworks commonly known as firecrackers
4 upon payment of a fee of \$25;

5 (2) Any aerial devices, display fireworks, or articles
6 pyrotechnic for the purposes of section 132D-16 upon
7 payment of a fee of [~~\$110,~~] \$150; and

8 (3) Any consumer fireworks for the purposes of section
9 132D-5 or for cultural uses that occur at any time
10 other than during the periods prescribed in section
11 132D-3(1) upon a payment of a fee of \$25."

12 SECTION 4. Section 132D-14, Hawaii Revised Statutes, is
13 amended by amending subsection (a) and (b) to read as follows:

14 "(a) Any person:

15 (1) Importing aerial devices, display fireworks, or
16 articles pyrotechnic without having a valid license
17 under section 132D-7 shall be guilty of a class C
18 felony; provided that each aerial device, display
19 firework, or article pyrotechnic having a total weight
20 of twenty-five pounds or less that is imported in



1 violation of this paragraph shall constitute a
2 separate violation;
3 (2) Purchasing, possessing, setting off, igniting, or
4 discharging aerial devices, display fireworks, or
5 articles pyrotechnic without a valid permit under
6 sections 132D-10 and 132D-16, or storing, selling, or
7 possessing aerial devices, display fireworks, or
8 articles pyrotechnic without a valid license under
9 section 132D-7, or allowing an individual to possess,
10 set off, ignite, or otherwise cause to explode any
11 aerial device in violation of section 132D-14.5:
12 (A) If the total weight of the aerial devices,
13 display fireworks, or articles pyrotechnic is
14 twenty-five pounds or more, shall be guilty of a
15 class C felony; or
16 (B) If the total weight of the aerial devices,
17 display fireworks, or articles pyrotechnic is
18 less than twenty-five pounds, shall be guilty of
19 a misdemeanor;
20 (3) Who transfers or sells aerial devices, display
21 fireworks, or articles pyrotechnic to a person who



1 does not have a valid permit under sections 132D-10
2 and 132D-16, shall be guilty of a class C felony;
3 provided that each aerial device, display firework, or
4 article pyrotechnic having a total weight of
5 twenty-five pounds or less that is transferred or sold
6 in violation of this paragraph shall constitute a
7 separate violation; and

8 (4) Who removes or extracts the pyrotechnic contents from
9 any fireworks or articles pyrotechnic and uses the
10 contents to construct fireworks, articles pyrotechnic,
11 or a fireworks or articles pyrotechnic related device
12 shall be guilty of a [~~misdemeanor.~~] class C felony.

13 (b) Except as provided in subsection (a) or as otherwise
14 specifically provided for in this chapter, any person violating
15 any other provision of this chapter, shall be fined not more
16 than [~~\$2,000~~] \$5,000 for each violation. Notwithstanding any
17 provision to the contrary in this section, any person violating
18 section 132D-14.5 shall be fined at least \$500 and no more than
19 \$2,000."



1 PART III

2 SECTION 5. The purpose of this part is to require the
3 attorney general to establish an explosion detection technology
4 working group.

5 SECTION 6. (a) The attorney general shall establish an
6 explosion detection technology working group to study the
7 feasibility of purchasing and deploying explosion detection
8 technology for the purpose of assisting police in each county
9 having a population of more than five hundred thousand in
10 locating and responding to explosions caused by the illegal use
11 of firearms and fireworks.

12 (b) Members of the working group shall include the:

13 (1) Attorney general;

14 (2) Chief of the police department for each county having
15 a population of more than five hundred thousand;

16 (3) Prosecuting attorney for a county having a population
17 of more than five hundred thousand; and

18 (4) Members of the state fire council.

19 SECTION 7. The explosion detection technology working
20 group shall submit a report of its findings and recommendations,
21 including any proposed legislation, to the legislature no later



1 than twenty days prior to the convening of the regular session
2 of 2022.

3 SECTION 8. The explosion detection technology working
4 group shall cease on exist on February 1, 2022.

5 PART IV

6 SECTION 9. The purpose of this part is to:

- 7 (1) Require the department of public safety to develop and
8 implement a web-based reporting tool that will provide
9 the counties with additional data to enforce the
10 applicable fireworks laws;
- 11 (2) Authorize the sheriff division of the department of
12 public safety to enforce the fireworks control law;
13 and
- 14 (3) Appropriate moneys to the department of public safety
15 to develop and implement the web-based fireworks
16 reporting tool.

17 SECTION 10. (a) The department of public safety shall
18 collaborate with county enforcement agencies to develop and
19 implement a statewide web-based reporting tool for illegal
20 fireworks that will allow data to be shared with county
21 enforcement agencies for the purpose of assisting county



1 enforcement agencies to accurately identify problematic
2 geographic areas and subsequently plan targeted methods of
3 enforcement.

4 (b) The reporting tool shall include the following
5 features:

- 6 (1) Anonymous reporting functions;
- 7 (2) A location reporting mechanism that uses an
8 interactive global positioning system map of the State
9 to allow for precise address reporting;
- 10 (3) A picture and video upload feature to allow for the
11 submission of evidence;
- 12 (4) An optional contact information submission feature;
13 and
- 14 (5) Report-generating features, accessible only by state
15 and county enforcement agencies.

16 (c) Data collected through this web-based reporting tool
17 shall not include public report generating features; provided
18 that state and county enforcement agencies may provide anonymous
19 data for public information.

20 SECTION 11. Section 132D-20, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



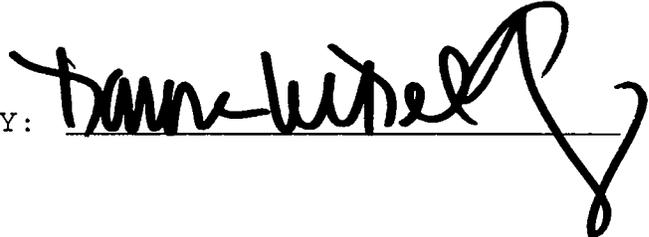
1 SECTION 14. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 15. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 16. This Act shall take effect upon its approval.

10

INTRODUCED BY:

A large, stylized handwritten signature in black ink, appearing to read "Dan Claitor", is written over a horizontal line. The signature is highly cursive and extends significantly to the right of the line.



S.B. NO. 513

Report Title:

Fireworks; Explosions; Working Group; Internet; Public Safety; Appropriation

Description:

Increases the fireworks display permit fee from \$110 to \$150 and the fine for certain fireworks violations from \$2,000 per violation to \$5,000 per violation. Clarifies that each aerial device, display firework, or article pyrotechnic having a total weight of 25 pounds or less that is illegally imported, transferred, or sold constitutes a separate violation. Increases the penalty for removing or extracting the pyrotechnic contents. Requires the Attorney General to establish an explosion detection technology working group. Requires the Department of Public Safety to develop and implement a web-based fireworks reporting tool. Authorizes the Sheriff Division to enforce the fireworks control law. Appropriates funds.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

