
A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. Chapter 712, Hawaii Revised Statutes, is
2 amended by adding a new section to part V to be appropriately
3 designated and to read as follows:

4 "§712- Forfeiture. In addition to any other penalty
5 that may be imposed for violations of section 132D-14(a)(1) and
6 (3), any instrumentalities of violation and proceeds or property
7 obtained or maintained with such proceeds from violations of
8 section 132D-14(a)(1) and (3), may be subject to forfeiture
9 pursuant to chapter 712A."

10 SECTION 2. Section 132D-14, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§132D-14 Penalty.** (a) Any person:
13 (1) Importing aerial devices, display fireworks, or
14 articles pyrotechnic without having a valid license
15 under section 132D-7 shall be guilty of a class C
16 felony;
17 (2) Purchasing, possessing, setting off, igniting, or
18 discharging aerial devices, display fireworks, or



1 articles pyrotechnic without a valid permit under
2 sections 132D-10 and 132D-16, or storing, selling, or
3 possessing aerial devices, display fireworks, or
4 articles pyrotechnic without a valid license under
5 section 132D-7:

6 (A) If the total weight of the aerial devices,
7 display fireworks, or articles pyrotechnic is
8 twenty-five pounds or more, shall be guilty of a
9 class C felony; or

10 (B) If the total weight of the aerial devices,
11 display fireworks, or articles pyrotechnic is
12 less than twenty-five pounds, shall be guilty of
13 a misdemeanor;

14 (3) Who transfers or sells aerial devices, display
15 fireworks, or articles pyrotechnic to a person who
16 does not have a valid permit under sections 132D-10
17 and 132D-16, shall be guilty of a class C felony; and

18 (4) Who removes or extracts the pyrotechnic contents from
19 any fireworks or articles pyrotechnic and uses the
20 contents to construct fireworks, articles pyrotechnic,
21 or a fireworks or articles pyrotechnic related device
22 shall be guilty of a misdemeanor.



1 (b) Except as provided in subsection (a) or as otherwise
2 specifically provided for in this chapter, any person violating
3 any other provision of this chapter, shall be fined not more
4 than \$2,000 for each violation.

5 (c) The court shall collect the fines imposed in
6 subsections (a) and (b) for violating this chapter and of the
7 fines collected shall pay twenty per cent to the State and
8 eighty per cent to the county in which the fine was imposed
9 which shall be expended by the county for law enforcement
10 purposes.

11 (d) Notwithstanding any penalty set forth herein,
12 violations of subsection (a)(1) and (3) may be subject to
13 nuisance abatement proceedings provided in part V of chapter
14 712."

15 SECTION 3. Section 712-1270, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§712-1270 Places used to commit offenses against public**
18 **health and morals, a nuisance.** Every building, premises, or
19 place used for the purpose of violating [~~these~~]:

20 (1) Those laws pertaining to offenses against public
21 health and morals contained in parts I, II, and IV of
22 this chapter, except offenses under part IV which do



1 not involve the manufacture or distribution of
 2 drugs ~~[7]~~; and
 3 (2) Section 132D-14(a)(1) or (3),
 4 and every building, premises, or place in or upon which the
 5 violations are held or occur in parts I, II, and IV, or section
 6 132D-14(a)(1) or (3), is a nuisance that shall be enjoined,
 7 abated, and prevented, regardless of whether it is a public or
 8 private nuisance."

9 SECTION 4. Section 712-1270.3, Hawaii Revised Statutes, is
 10 amended to read as follows:

11 "[~~f~~]**\$712-1270.3**[~~f~~] **Citizen's rights.** Any citizen who
 12 brings a nuisance abatement suit against a place used for the
 13 purpose of committing [~~drug~~]:

14 (1) Fireworks related offenses contained in section 132D-
 15 14(a)(1) or (3); or

16 (2) Drug offenses under part IV of this chapter or who
 17 files a complaint with the local police or drug
 18 nuisance abatement unit of the department of the
 19 attorney general,

20 shall be entitled to the same rights and protections of victims
 21 and witnesses in criminal proceedings in accordance with chapter
 22 801D."



1 SECTION 5. 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 which 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 6. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun, before its effective date.

10 SECTION 7. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 8. This Act shall take effect on December 21,
13 2058.



Report Title:

Nuisance Abatement; Illegal Fireworks

Description:

Establishes a cause of action to abate the illegal purchasing, selling, possession, setting off, igniting or discharging of fireworks. Allows the court to order the closure of any place used in violation of the fireworks law. Allows for the forfeiture of property used in violation of the fireworks law. Effective December 21, 2058. (HB1987 HD2)

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

