

STAND. COM. REP. NO.

2731

Honolulu, Hawaii

MAR 16 2010

RE: H.B. No. 1987
H.D. 2
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Public Safety and Military Affairs, to which was referred H.B. No. 1987, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

begs leave to report as follows:

The purpose of this measure is to apply the law on forfeiture of property and the nuisance abatement law to the:

- (1) Importation of aerial devices, display fireworks, or articles pyrotechnic without a valid license, a class C felony; and
- (2) Selling or transferring of aerial devices, display fireworks, or articles pyrotechnic to a person who does not have a valid permit, a class C felony.

Your Committee received testimony in support of this measure from one State department, two county agencies, two private entities, and fifteen individuals. Testimony in opposition was received from one individual. Comments were received from one State department and one private entity.

This measure subjects property used in the course of commission of a violation of the fireworks law or the proceeds therefrom to forfeiture. This measure also allows activities occurring in every building, premises, or place used in the violation of the fireworks law to be enjoined, abated, or




prevented, including a nuisance abatement suit brought by citizens. Additionally, this measure makes certain fireworks violations a nuisance which constitutes grounds for forfeiture.

Your Committee finds that this measure provided additional tools to augment law enforcement efforts to deter and punish the most serious of fireworks violations.

Your Committee has amended this measure by clarifying the forfeiture provision, on recommendation of the State Attorney General, and making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Public Safety and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1987, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1987, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety and
Military Affairs,



WILL ESPERO, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:* <i>HB 1987, HD2</i>	Committee Referral: <i>PSMA, JEO</i>	Date: <i>3/11/10</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	<i>X</i>			
BUNDA, Robert (VC)	<i>X</i>			
ENGLISH, J. Kalani	<i>X</i>			
GABBARD, Mike				<i>X</i>
GALUTERIA, Brickwood	<i>X</i>			
KIDANI, Michelle N.	<i>X</i>			
HEMMINGS, Fred				<i>X</i>
TOTAL	<i>5</i>			<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes