

Honolulu, Hawaii

APR - 1 2010

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

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

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 1987, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish a cause of action to abate the illegal purchasing, selling, possession, setting off, igniting, or discharging of fireworks;
- (2) Authorize a court to order the closure of any place used in violation of the fireworks-related offenses contained in section 132D-14(a)(1) or (3), Hawaii Revised Statutes; and
- (3) Authorize the forfeiture of property used in violation of the fireworks-related offenses contained in section 132D-14(a)(1) or (3), Hawaii Revised Statutes.

Written comments in support of the measure, with suggested amendments, were submitted by one private organization. Written comments in support of the intent of the measure were submitted by one private organization. Written comments regarding the measure were submitted by two state agencies and one county agency. Written comments presented to your Committee may be reviewed on the Legislature's website.



Your Committee finds that increasing the penalties for violations of existing fireworks-related laws under chapter 132D, Hawaii Revised Statutes, may serve to curb rampant illegal fireworks in Hawaii. Your Committee is particularly concerned about the importation of illegal fireworks, including closing any loopholes regarding importation that may exist in existing fireworks-related laws.

As such, your Committee was considering inserting language in the measure requiring the inspection of all shipping containers manifested as containing fireworks. The Department of Transportation expressed concerns to prior subject matter committees that first, it does not have the authority to open and inspect sealed containers because the inspection of foreign containers falls within federal jurisdiction, and second, although the county fire departments have the authority pursuant to section 132D-8.6, Hawaii Revised Statutes, to inspect containers landed in Hawaii that manifest fireworks or pyrotechnics, it is currently very difficult for the fire departments to enforce the requirement that all fireworks designated for commercial displays are to be used for permitted purposes only. Although this proposal may not be feasible at this time, your Committee will continue to search for a means to stop illegal fireworks from reaching the general public.

Your Committee has amended this measure by:

- (1) Revising the definition of "import" to include fireworks that are labeled or designated as samples, even if not intended for retail sale, in order to ensure that all imported fireworks are subject to importation provisions;
- (2) Inserting an effective date of September 14, 2047, to facilitate further discussion; and
- (3) Making technical, nonsubstantive changes for purposes of style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1987, H.D. 2, S.D. 1, as amended herein, and



recommends that it pass Third Reading in the form attached hereto as H.B. No. 1987, H.D. 2, S.D. 2.

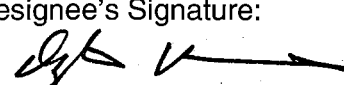
Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Government Operations,

  
BRIAN T. TANIGUCHI, Chair



The Senate  
 Twenty-Fifth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:* <b>HB 1987 SD1</b>	Committee Referral: <b>PSM, JGO</b>	Date: <b>3/24/10</b>		
<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
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	✓			
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes