
A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

1 SECTION 1. Chapter 132D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§132D- Liability of property owner. A property owner
5 who knowingly allows an individual to possess, set off, ignite,
6 or otherwise cause to explode any aerial device while on the
7 owner's property shall be deemed to be in violation of this
8 chapter and shall be subject to the penalties as specified in
9 section 132D-14(a)(2)."

10 SECTION 2. Section 132D-20, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§132D-20 Enforcement[-]; probable cause for arrest. (a)

13 This chapter shall be enforced by each county. The counties are
14 authorized to enforce and administer the provisions of this
15 chapter.

16 (b) Arrests for offenses under this chapter or under a
17 county fireworks ordinance shall be made in compliance with



1 chapter 803. Probable cause for the arrests may be established
2 based on:

- 3 (1) Statements from individuals who witnessed the offense,
4 even if those individuals are not law enforcement
5 officers; and
6 (2) Photographs, video recordings, or other recordings
7 that show the commission of the offense and can be
8 authenticated by one or more witnesses."

9 SECTION 3. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on October 1, 2018.



Report Title:

Fireworks; Property Owner Liability; Arrests; Probable Cause

Description:

Establishes property owner liability for illegal aerial devices possessed or set off on their property by others. Allows probable cause for fireworks offenses to be established from statements from witnesses and photographs, video, and other recordings authenticated by witnesses. Takes effect on October 1, 2018. (SD2)

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