

Honolulu, Hawaii

MAR 21 2018

RE: H.B. No. 1172
H.D. 2
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1172, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIREWORKS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish property owner liability for illegal aerial devices possessed or set off on their property by others; and
- (2) Allow probable cause for fireworks offenses to be established from statements from witnesses and photographs, video, and other recordings authenticated by witnesses.

Your Committee received testimony in support of this measure from the Hawaii State Fire Council, Honolulu Fire Department, Department of Fire and Public Safety of the County of Maui, Hawai'i County Fire Department, Animal Rights Hawai'i, Animal Care, Poi Dogs & Popoki, and twenty-seven individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that, although the use of certain aerial fireworks has been prohibited for some time, enforcement of this



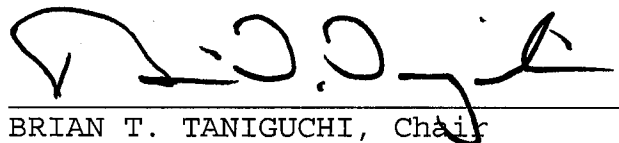
prohibition has been difficult. Law enforcement officers responding to public complaints of illegal fireworks often cannot determine with certainty the identity of the person or persons who actually set off the illegal firework. Additionally, because of the momentary nature of a firework explosion, law enforcement officers often encounter difficulty establishing probable cause once they arrive at the site of an alleged violation. This measure will empower law enforcement officers to more effectively enforce the prohibition against illegal aerial fireworks.

Your Committee has amended this measure by:

- (1) Specifying that the penalty for a property owner who knowingly allows an individual to possess, set off, ignite, or otherwise cause to explode any aerial device while on the owner's property shall be either a class C felony or a misdemeanor, depending on the total weight of the aerial device; and
- (2) Inserting an effective date of October 1, 2018.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1172, 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. 1172, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



BRIAN T. TANIGUCHI, Chair



