A BILL FOR AN ACT

RELATING TO FIREWORKS.

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

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

"§132D- Liability of property owner. (a) A property owner who knowingly allows an individual to possess, set off, ignite, discharge, or otherwise cause to explode any aerial device on the property owner's property shall be deemed to be in violation of this chapter and shall be subject to the penalties thereunder.

(b) For the purposes of this section, "property owner" means the possessor of a fee interest, a tenant, a lessee, an occupant, or a person in control of the premises."

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

"§132D-20 Enforcement[—]; probable cause for arrest. (a) This chapter shall be enforced by each county. The counties are
authorized to enforce and administer the provisions of this chapter.

(b) An arrest for an offense under this chapter or under a county fireworks ordinance shall be made in compliance with chapter 803. Probable cause for arrest may be established based on:

(1) A statement from an individual who witnessed the offense, whether or not the individual is a law enforcement officer; and

(2) A photograph, video recording, or other recording of the commission of the offense that can be authenticated by one or more witnesses; provided that for the purposes of this section, "other recording" includes a recording, whether a photograph or a video, made using an unmanned aerial vehicle; provided further that a recording made using an unmanned aerial vehicle shall be exempt from the requirement of authentication by one or more witnesses and may be submitted anonymously to law enforcement."
SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 5. This Act shall take effect upon its approval.
Report Title:
Fireworks; Property Owner Liability; Arrest; 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, or other recordings authenticated by witnesses. Allows probable cause for fireworks offenses to be established from anonymous recordings made using an unmanned aerial vehicle.

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