WHEREAS, the global coronavirus disease 2019 (COVID-19) pandemic has created great challenges to the State's health, economy, and way of life; and

WHEREAS, the Governor and mayors have exercised their emergency powers under chapter 127A, Hawaii Revised Statutes, to impose rules to control the spread of COVID-19; and

WHEREAS, section 127A-29, Hawaii Revised Statutes, only provides the Governor and county mayors the ability to establish misdemeanor offenses through rulemaking during emergency periods, putting a heavy burden upon the criminal justice system to process these cases expeditiously to provide for meaningful and effective enforcement; and

WHEREAS, the ability to enforce emergency rules is essential to control the spread of COVID-19, protect the health and safety of the community, manage medical resources, and restart the economy; and

WHEREAS, the Governor previously issued supplemental emergency proclamations to mitigate the further spread of COVID-19 by ordering a mandatory fourteen-day self-quarantine for all residents and visitors arriving at state airports from the continental United States and international destinations; and
WHEREAS, on November 23, 2020, the Governor signed the sixteenth COVID-19 emergency proclamation requiring all transpacific travelers to Hawaii to have a negative test result from a trusted travel partner within seventy-two hours of their departure to bypass the fourteen-day quarantine; and

WHEREAS, the self-quarantine mandate was meant to contain the spread of COVID-19 by restricting the mobility of those who travel to Hawaii during the period they might be contagious; and

WHEREAS, the State and counties have also imposed emergency orders calling for individuals to stay at their place of residence, maintain physical distancing of at least six feet from any other person, limit or prohibit social gatherings, and wear face coverings while in public spaces; and

WHEREAS, it takes monumental effort to keep track of everyone who should be in quarantine and it involves a hui of law enforcement agencies, representatives of Hawaii's visitor industry, state transportation workers, and the general community; and

WHEREAS, enforcement has been largely reactive and dependent on reports and complaints from the public, social media, and interested community groups; and

WHEREAS, enforcement is largely on an "honor system", dependent on the deterrent effect of potential penalties and the individual's tolerance for risk; and

WHEREAS, despite the enactment of emergency orders, residents and visitors continue to violate these orders; county police departments have issued tens of thousands of citations for violations of emergency orders that must be processed through the court system, thereby inundating the courts, which are already faced with operational complications caused by the COVID-19 pandemic; and

WHEREAS, state and county law enforcement agencies must be able to provide for meaningful and effective enforcement by vigilantly policing violations to prevent the spread of COVID-19 throughout the State; now, therefore,
BE IT RESOLVED by the Senate of the Thirty-first Legislature of the State of Hawaii, Regular Session of 2021, the House of Representatives concurring, that the Governor is urged to create a task force to develop recommendations on the roles and responsibilities of the Department of the Attorney General and the state and county law enforcement agencies in enforcing emergency proclamations, including supplemental emergency proclamations related to the COVID-19 pandemic that require social distancing, wearing of face coverings, and the prohibition of gatherings; and

BE IT FURTHER RESOLVED that the task force membership is requested to include a representative of each of the following:

(1) The Judiciary;

(2) The Department of the Attorney General;

(3) The Department of Public Safety;

(4) The Adjutant General;

(5) The Hawaii Emergency Management Agency;

(6) Each county police department;

(7) Each county prosecutor's office;

(8) An organization that reports violations to law enforcement to be selected by the President of the Senate; and

(9) An organization that reports violations to law enforcement to be selected by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the task force is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022; and
BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, Administrative Director of the Courts of the Judiciary, Attorney General, Director of Public Safety, Adjutant General, Chief of Police of each county, and Prosecutor of each county.