SENATE CONCURRENT RESOLUTION

URGING THE GOVERNOR TO CREATE A TASK FORCE TO DEVELOP
RECOMMENDATIONS TO ENFORCE THE SUPPLEMENTAL EMERGENCY
PROCLAMATIONS TO MITIGATE THE FURTHER SPREAD OF THE
CORONAVIRUS DISEASE 2019 IN HAWAII.

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 has issued supplemental emergency
proclamations to mitigate the further spread of COVID-19 by
ordering residents and visitors to a mandatory fourteen-day
self-quarantine for all arrivals 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 three days before 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 is a 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, dependent
on reports and complaints from the public, social media, and
interested community groups; and

WHEREAS, enforcements are 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
policy departments have issued tens of thousands of citations
for violations of emergency proclamations and 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, the 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 to enforce emergency proclamations, including but not limited to supplemental emergency proclamations related to the COVID-19 pandemic, which 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 Department of the Attorney General;
2. The Hawaii Emergency Management Agency;
3. The Judiciary;
4. The Department of Public Safety;
5. The Adjutant General;
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, Attorney General, the Speaker of the House of Representatives, the President of the Senate, the President of the Hawaii Emergency Management Agency, the President of the Judiciary, the Attorney General, the Adjutant General, and the Executive Director of the Department of Public Safety.
General, Chief of Police of each county, Prosecutor of each county, Judiciary, Adjutant General, and Director of Public Safety.