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# 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.

1           WHEREAS, the global coronavirus disease 2019 (COVID-19)  
2 pandemic has created great challenges to the State's health,  
3 economy, and way of life; and  
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5           WHEREAS, the Governor and mayors have exercised their  
6 emergency powers under chapter 127A, Hawaii Revised Statutes, to  
7 impose rules to control the spread of COVID-19; and  
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9           WHEREAS, section 127A-29, Hawaii Revised Statutes, only  
10 provides the Governor and county mayors the ability to establish  
11 misdemeanor offenses through rulemaking during emergency  
12 periods, putting a heavy burden upon the criminal justice system  
13 to process these cases expeditiously to provide for meaningful  
14 and effective enforcement; and  
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16           WHEREAS, the ability to enforce emergency rules is  
17 essential to control the spread of COVID-19, protect the health  
18 and safety of the community, manage medical resources, and  
19 restart the economy; and  
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21           WHEREAS, the Governor has issued supplemental emergency  
22 proclamations to mitigate the further spread of COVID-19 by  
23 ordering residents and visitors to a mandatory fourteen-day  
24 self-quarantine for all arrivals at state airports from the  
25 continental United States and international destinations; and  
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27           WHEREAS, on November 23, 2020, the Governor signed the  
28 sixteenth COVID-19 emergency proclamation requiring all  
29 transpacific travelers to Hawaii to have a negative test result



1 from a trusted travel partner within three days before their  
2 departure to bypass the fourteen-day quarantine; and

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

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

13  
14 WHEREAS, it is a monumental effort to keep track of  
15 everyone who should be in quarantine and it involves a hui of  
16 law enforcement agencies, representatives of Hawaii's visitor  
17 industry, state transportation workers, and the general  
18 community; and

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

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24 WHEREAS, enforcements are largely on an "honor system",  
25 dependent on the deterrent effect of potential penalties and the  
26 individual's tolerance for risk; and

27  
28 WHEREAS; despite the enactment of emergency orders,  
29 residents and visitors continue to violate these orders; county  
30 policy departments have issued tens of thousands of citations  
31 for violations of emergency proclamations and orders that must  
32 be processed through the court system, thereby inundating the  
33 courts, which are already faced with operational complications  
34 caused by the COVID-19 pandemic; and

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36 WHEREAS, the state and county law enforcement agencies must  
37 be able to provide for meaningful and effective enforcement by  
38 vigilantly policing violations to prevent the spread of COVID-19  
39 throughout the State; now, therefore,

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41 BE IT RESOLVED by the Senate of the Thirty-first  
42 Legislature of the State of Hawaii, Regular Session of 2021, the



1 House of Representatives concurring, that the Governor is urged  
2 to create a task force to develop recommendations on the roles  
3 and responsibilities of the Department of the Attorney General  
4 and the state and county law enforcement agencies to enforce  
5 emergency proclamations, including but not limited to  
6 supplemental emergency proclamations related to the COVID-19  
7 pandemic, which require social distancing, wearing of face  
8 coverings, and the prohibition of gatherings; and  
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10 BE IT FURTHER RESOLVED that the task force membership is  
11 requested to include a representative of each of the following:  
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- 13 (1) The Department of the Attorney General;
- 14 (2) The Hawaii Emergency Management Agency;
- 15 (3) The Judiciary;
- 16 (4) The Department of Public Safety;
- 17 (5) The Adjutant General;
- 18 (6) Each county police department;
- 19 (7) Each county prosecutor's office;
- 20 (8) An organization that reports violations to law  
21 enforcement to be selected by the President of the  
22 Senate; and
- 23 (9) An organization that reports violations to law  
24 enforcement to be selected by the Speaker of the House  
25 of Representatives; and  
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27 BE IT FURTHER RESOLVED that the task force is requested to  
28 submit a report of its findings and recommendations, including  
29 any proposed legislation, to the Legislature no later than  
30 twenty days prior to the convening of the Regular Session of  
31 2022; and  
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33 BE IT FURTHER RESOLVED that certified copies of this  
34 Concurrent Resolution be transmitted to the Governor, Attorney  
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- 1 General, Chief of Police of each county, Prosecutor of each
- 2 county, Judiciary, Adjutant General, and Director of Public
- 3 Safety.

