

MAR 12 2021

SENATE RESOLUTION

URGING THE OFFICE OF 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
15

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, Governor Ige 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
26

27 WHEREAS, on November 23, 2020, Governor Ige signed the
28 sixteenth COVID-19 emergency proclamation requiring all
29 transpacific travelers to have a negative test result from a
30 trusted travel partner before their departure to bypass the
31 fourteen-day quarantine within three days of traveling to
32 Hawaii; and
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1 WHEREAS, the self-quarantine mandate was meant to deter
2 visitor traffic and restrict the mobility of those who travel to
3 Hawaii during the period they might be contagious; and
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5 WHEREAS, the State and counties have also imposed emergency
6 orders calling for individuals to stay at their place of
7 residence, maintain physical distancing of at least six feet
8 from any other person, limit or prohibit social gatherings, and
9 wear face coverings while in public spaces; and
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11 WHEREAS, it is a monumental effort to keep track of
12 everyone who should be in quarantine and it involves a hui of
13 law enforcement agencies, representatives of Hawaii's visitor
14 industry, state transportation workers, and the community
15 generally; and
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17 WHEREAS, enforcement has been largely reactive, dependent
18 on reports and complaints from the public, social media, and
19 interested community groups; and
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21 WHEREAS, enforcements are largely on an "honor system",
22 dependent on the deterrent effect of potential penalties and the
23 individual's tolerance for risk; and
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25 WHEREAS; despite the enactment of emergency orders,
26 residents and visitors continue to violate these orders; county
27 policy departments have issued tens of thousands of citations
28 for violations of emergency proclamations and orders, which must
29 be processed through the court system, thereby inundating the
30 courts, which are already faced with operational complications
31 caused by the COVID-19 pandemic; and
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33 WHEREAS, the state and county law enforcement agencies must
34 be able to provide for meaningful and effective enforcement by
35 vigilantly policing violations to prevent the spread of COVID-19
36 throughout the State; now, therefore,
37

38 BE IT RESOLVED by the Senate of the Thirty-first
39 Legislature of the State of Hawaii, Regular Session of 2021,
40 that the Office of the Governor is urged to create a task force
41 to develop recommendations on the roles and responsibilities of
42 the Department of the Attorney General and the state and county



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1 law enforcement agencies to enforce the supplemental emergency
2 proclamations which require social distancing, wearing of face
3 coverings, and the prohibition of gatherings; and
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5 BE IT FURTHER RESOLVED that the task force membership is
6 requested to include a representative of the Department of the
7 Attorney General, a representative of each county police
8 department, an organization that reports violations to law
9 enforcement to be selected by the President of the Senate, and
10 an organization that reports violations to law enforcement to be
11 selected by the Speaker of the House of Representatives; and
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13 BE IT FURTHER RESOLVED that the task force is requested to
14 submit a report of its findings and recommendations, including
15 any proposed legislation, to the Legislature no later than
16 twenty days prior to the convening of the Regular Session of
17 2022; and
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19 BE IT FURTHER RESOLVED that certified copies of this
20 Resolution be transmitted to the Governor, Attorney General, and
21 Chief of Police of each county.
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OFFERED BY: David J. ...

