
SENATE CONCURRENT RESOLUTION

URGING THE GOVERNOR TO CREATE A TASK FORCE TO DEVELOP
RECOMMENDATIONS ON THE ROLES AND RESPONSIBILITIES OF THE
DEPARTMENT OF THE ATTORNEY GENERAL AND LAW ENFORCEMENT IN
ENFORCING 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 previously issued supplemental
22 emergency proclamations to mitigate the further spread of
23 COVID-19 by ordering a mandatory fourteen-day self-quarantine
24 for all residents and visitors arriving at state airports from
25 the continental United States and international destinations;
26 and



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



1 BE IT RESOLVED by the Senate of the Thirty-first
 2 Legislature of the State of Hawaii, Regular Session of 2021, the
 3 House of Representatives concurring, that the Governor is urged
 4 to create a task force to develop recommendations on the roles
 5 and responsibilities of the Department of the Attorney General
 6 and the state and county law enforcement agencies in enforcing
 7 emergency proclamations, including supplemental emergency
 8 proclamations related to the COVID-19 pandemic that require
 9 social distancing, wearing of face coverings, and the
 10 prohibition of gatherings; and

11
 12 BE IT FURTHER RESOLVED that the task force membership is
 13 requested to include a representative of each of the following:

- 14 (1) The Judiciary;
- 15 (2) The Department of the Attorney General;
- 16 (3) The Department of Public Safety;
- 17 (4) The Adjutant General;
- 18 (5) The Hawaii Emergency Management Agency;
- 19 (6) Each county police department;
- 20 (7) Each county prosecutor's office;
- 21 (8) An organization that reports violations to law
 22 enforcement to be selected by the President of the
 23 Senate; and
- 24 (9) An organization that reports violations to law
 25 enforcement to be selected by the Speaker of the House
 26 of Representatives; and

27
 28
 29 BE IT FURTHER RESOLVED that the task force is requested to
 30 submit a report of its findings and recommendations, including
 31 any proposed legislation, to the Legislature no later than
 32 twenty days prior to the convening of the Regular Session of
 33 2022; and



1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor,
3 Administrative Director of the Courts of the Judiciary, Attorney
4 General, Director of Public Safety, Adjutant General, Chief of
5 Police of each county, and Prosecutor of each county.

