

MAR 09 2018

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# SENATE CONCURRENT RESOLUTION

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REQUESTING THAT PARTICIPANTS IN PUBLIC DEMONSTRATIONS OTHER THAN  
RECOGNIZED EVENTS SUCH AS MARATHONS AND PARADES FOLLOW  
TRAFFIC LAWS WHEN CROSSING STREETS.

1 WHEREAS, the First Amendment to the Constitution of the  
2 United States of America grants the right of free expression,  
3 including the right to peaceably assemble; and  
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5 WHEREAS, public demonstrations have a long history in the  
6 United States as a means by which the public may express support  
7 for policies, voice outrage for injustices, and call for action  
8 on the part of elected officials and other public figures; and  
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10 WHEREAS, although the right to peaceably assemble is a  
11 valuable and vital component of public engagement in the United  
12 States, it is not absolute; and  
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14 WHEREAS, the Supreme Court of the United States of America  
15 has consistently held in numerous cases, including *Ward v. Rock*  
16 *Against Racism*, 491 U.S. 781, 109 S.Ct. 2746 (1989), that the  
17 government may impose restrictions on the time, place, and  
18 manner of peaceable assembly, provided that constitutional  
19 safeguards are met; and  
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21 WHEREAS, the right of demonstrators to assemble and express  
22 their position must be fairly and justly balanced against the  
23 government's interest in providing for the safety and security  
24 of the public; and  
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26 WHEREAS, many counties, municipalities, and other local  
27 governments require the organizers of public demonstrations and  
28 other public events to apply for and be granted a permit; and  
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30 WHEREAS, even if a public demonstration or other event does  
31 not require a permit, local governments may still require  
32 participants to follow traffic and public safety ordinances; and



1  
2 WHEREAS, law enforcement, including sheriffs with the  
3 Department of Public Safety, direct traffic during public  
4 demonstrations, which sometimes impede traffic unnecessarily,  
5 causing unsafe conditions for pedestrians and motorists; now,  
6 therefore,  
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8 BE IT RESOLVED by the Senate of the Twenty-ninth  
9 Legislature of the State of Hawaii, Regular Session of 2018, the  
10 House of Representatives concurring, that organizers and  
11 participants in marches, rallies, and public demonstrations are  
12 requested to follow traffic laws and public safety ordinances  
13 when crossing streets; and  
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15 BE IT FURTHER RESOLVED that law enforcement, including the  
16 sheriffs of the Department of Public Safety, are urged to  
17 consider the safety and convenience not just of demonstrators  
18 but of motorists as well; and  
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20 BE IT FURTHER RESOLVED that this request does not apply to  
21 recognized and permitted events such as marathons and parades;  
22 and  
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24 BE IT FURTHER RESOLVED that certified copies of this  
25 Concurrent Resolution be transmitted to the Director of Public  
26 Safety, Office of the Mayor of each county, and Chief of Police  
27 of each county.  
28  
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OFFERED BY:

*Imaie L. Imaie*  
*[Signature]*

