

JAN 22 2021

A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the 2020 outbreak of
2 the novel coronavirus, SARS-CoV-2, has brought renewed scrutiny
3 to the state's emergency management statutes. The rapid
4 worldwide expansion of the coronavirus triggered its
5 characterization as a pandemic by the World Health Organization
6 on March 11, 2020. The state's emergency management laws
7 require updating to include real-world conditions created by
8 pandemics and the related preparedness, response, and mitigation
9 of the social and economic consequences.

10 Additionally, the legislature finds that the pandemic has
11 created a multitude of essential government workers in various
12 job sectors who, through the course of their work, are required
13 to observe rules and orders that have been enacted by the
14 appropriate governmental authority. Emergency response measures
15 to reduce the spread of SARS-CoV-2 through, for example, the use
16 of face coverings or masks, has placed great responsibility and
17 risk on essential workers. While certain categories of



1 essential government workers whose duties relate directly to
2 emergency management are offered some statutory protections
3 under existing laws, other essential government workers are
4 generally not protected under these provisions. Therefore,
5 specific statutory protection for these other workers needs to
6 be included in the State's emergency management laws.

7 The purpose of this Act is to amend the emergency
8 management laws to provide greater protections for all essential
9 government workers, who are currently included in the broadly
10 defined category of government personnel having emergency worker
11 status during a declared state of emergency.

12 SECTION 2. Section 127A-29, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[+] §127A-29 [+] **Misdemeanors.** (a) Any person violating
15 any rule of the governor or mayor prescribed and promulgated
16 pursuant to this chapter and having the force and effect of law,
17 shall, if it shall be so stated in the rule, be guilty of a
18 misdemeanor. Upon conviction, the person shall be fined not
19 more than \$5,000, or imprisoned not more than one year, or
20 both[-]; provided that if the person's failure to comply with
21 the rule jeopardizes the health or safety of government



1 personnel having "emergency worker" status pursuant to section
2 127A-8, then the maximum fine shall be \$10,000.

3 (b) Any person who intentionally, knowingly, or recklessly
4 destroys, damages, or loses any shelter, protective device, or
5 warning or signal device, shall if the same was installed or
6 constructed by the United States, the State, or a county, or is
7 the property of the United States, the State, or a county, be
8 fined the cost of replacement, or imprisoned not more than one
9 year, or both. The governor or mayor, may, by rule, make
10 further provisions for the protection from misuse of shelters,
11 protective devices, or warning and signal devices."

12 SECTION 3. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: 



S.B. NO. 674

Report Title:

Emergency Management; Emergency Rules; Noncompliance; Authorized Fine

Description:

Increases the maximum fine from \$5,000 to \$10,000 for violations of emergency rules prescribed and promulgated pursuant to Chapter 127A, HRS, and having the force and effect of law when the noncompliance jeopardizes the health or safety of government personnel having "emergency worker" status.

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