

STAND. COM. REP. NO.

1352

Honolulu, Hawaii

, 2021

MAR 24

RE: S.B. No. 540

S.D. 1

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Pandemic & Disaster Preparedness, to which was referred S.B. No. 540, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY RULES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Allow for lesser emergency period penalties to be adopted by the Governor or a mayor;
- (2) Allow for the emergency period infractions to be processed similarly to the traffic adjudication process;
- (3) Allow electronic copies of notices of infractions, infraction adjudication hearings, and notices of infraction judgments to be sent via electronic mail; and
- (4) Grant the District Court concurrent jurisdiction over emergency period rule infractions committed by minors.

Your Committee received testimony in support of this measure from the Department of the Attorney General and Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received comments on this measure from the Judiciary.

2021-2410 SB540 HD1 HSCR HMSO



Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic necessitated the Governor to exercise emergency powers to impose rules to control the spread of COVID-19. The adoption of these emergency rules allowed the State to reduce the spread of COVID-19, thereby protecting residents and visitors of the State. However, your Committee notes that under these emergency rules, there were over sixty thousand emergency order violations issued in the last year, and each violation is punishable as a misdemeanor. While enforcement of emergency rules is critical to protect citizens, there needs to be equitable penalties established that appropriately reflect the severity of the violation, rather than considering all violations as a criminal offense. This measure will reduce the burden on the State's court system and law enforcement resources by allowing for lesser emergency period penalties during a state of emergency.

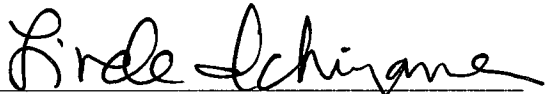
Your Committee has amended this measure by:

- (1) Clarifying the definition of "hearing" to properly encompass traffic infractions and emergency period infractions;
- (2) Authorizing, instead of requiring, an electronic notice of infraction to be sent to an individual's electronic mail address; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Pandemic & Disaster Preparedness that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 540, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 540, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Pandemic &
Disaster Preparedness,


LINDA ICHIYAMA, Chair



