

STAND. COM. REP. NO.

1837

Honolulu, Hawaii

, 2021

APR 09

RE: S.B. No. 540

S.D. 1

H.D. 2

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 540, S.D. 1, H.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) Amend the State's existing traffic infraction laws to incorporate emergency period infractions so that they are adjudicated in the same manner;
- (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, Office of the Public Defender, Department of the Prosecuting Attorney of the County of

2021-2889 SB540 HD2 HSCR HMSO



Maui, Department of the Prosecuting Attorney of the City and County of Honolulu, Hawai'i Lodging & Tourism Association, Maui Chamber of Commerce, and one individual.

Your Committee finds that the Governor and county mayors have had to exercise their emergency powers during the COVID-19 pandemic to limit the spread of the virus, protect the health and safety of the community, manage medical resources, and restart the economy. This measure is intended to provide the Governor and mayors with more flexibility to adopt a range of lesser penalties for more meaningful and effective enforcement of emergency orders.

Your Committee has amended this measure by 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 540, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 540, S.D. 1, H.D. 2.

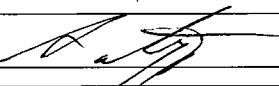
Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.:	Committee Referral:	Date:		
SB 540, SDI, HDI	PDP, JHA	3-30-21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris				✓
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene	✓			
TOTAL (12)	11	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. _____ committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				