

JAN 22 2021

A BILL FOR AN ACT

RELATING TO MASK AND QUARANTINE VIOLATIONS.

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

1 SECTION 1. The legislature finds that the lack of uniform
2 messaging regarding mask-wearing during the coronavirus disease
3 2019 (COVID-19) pandemic has led to wide spread confusion as to
4 what constitutes a violation of the governor's emergency order,
5 requiring all persons in the State to wear a face covering over
6 their nose and mouth when in public.

7 The legislature further finds that violation of the
8 governor's mask order is a misdemeanor, carrying a penalty of up
9 to \$5,000 or up to one year in prison, or both. The legislature
10 also finds that after the governor's mask order went into
11 effect, the number of citations issued for violating the mask
12 order congested the courts and prompted the legislature to
13 consider convening a special session to address the situation.

14 The purpose of this bill is to:

15 (1) Limit the punishment for a first-time violation of the
16 governor's mask order to a penalty not to exceed \$500;
17 and



1 (2) Limit the punishment for a first-time violation of the
2 governor's quarantine order to a penalty not to exceed
3 \$500; except for:

4 (A) Violators who post photos, videos, or other media
5 depicting their violation on social media,
6 internet platforms, or otherwise publicize their
7 violation; and

8 (B) Violators who have symptoms of COVID-19 or have a
9 positive test result for COVID-19.

10 SECTION 2. A first-time violation of a governor's
11 proclamation related to the COVID-19 emergency, requiring all
12 persons in the State to wear a face covering over their nose and
13 mouth when in public, notwithstanding Section 127A-29, Hawaii
14 Revised Statutes, shall be limited to a fine of not more than
15 \$500; provided that a second violation shall be a misdemeanor as
16 provided in section 127A-29, Hawaii Revised Statutes.

17 SECTION 3. A first-time violation of a governor's
18 proclamation related to the COVID-19 emergency, requiring all
19 persons entering the State to self-quarantine for an established
20 period of days, notwithstanding Section 127A-29, Hawaii Revised



1 Statutes, shall be limited to a fine of not more than \$500;
2 provided that:

3 (1) Section 127A-29, Hawaii Revised Statutes, shall apply
4 to violators who post photos, videos, or other media
5 depicting their violation of the governor's
6 proclamation on social media, internet platforms, or
7 otherwise publicize their violation;

8 (2) Section 127A-29, Hawaii Revised Statutes, shall apply
9 to violators of a governor's proclamation related to
10 the COVID-19 emergency, who have symptoms of COVID-19
11 or have a positive test result for COVID-19; and

12 (3) A second violation of this section of a governor's
13 proclamation as described in paragraphs (1) or (2)
14 shall be a misdemeanor as provided in section 127A-29,
15 Hawaii Revised Statutes.

16 SECTION 4. If any provision of this Act, or the
17 application thereof to any person or circumstance, is held
18 invalid, the invalidity does not affect other provisions or
19 applications of the Act that can be given effect without the
20 invalid provision or application, and to this end the provisions
21 of this Act are severable.

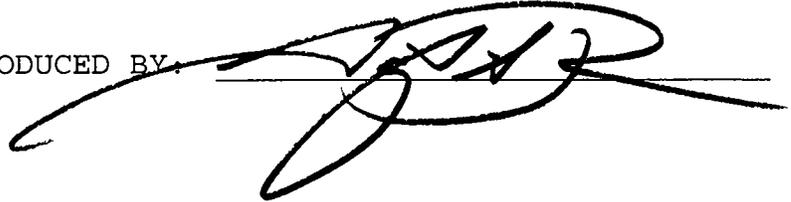


S.B. NO. 240

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

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INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher, but it appears to be a name with a prominent initial.

S.B. NO. 240

Report Title:

COVID-19; Pandemic; Masks; Quarantine; Social Media; Governor's
Emergency Proclamations; Misdemeanors

Description:

Limits first offense violations of a governor's emergency proclamation requiring wearing cloth face coverings to a fine of not more than \$500. Limits first offense violations of a governor's emergency proclamation requiring persons traveling from out of state to quarantine to a fine of not more than \$500, except for those violators who post media of themselves violating the governor's order on social media or who travel to the State with symptoms or a positive test result for COVID-19.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

