# 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 laws.  The rapid worldwide

4  expansion of the coronavirus triggered its characterization as a

5  pandemic by the World Health Organization on March 11, 2020.

6  The State's emergency management laws require updating to

7  explicitly include pandemics and the related preparedness,

8  response, and mitigation of the social and economic

9  consequences.

10  Additionally, the legislature finds that the pandemic has

11  given rise to a multitude of essential workers in various job

12  sectors who, through the course of their work are required to

13  relay and impose emergency rules and orders that have been

14  enacted by the appropriate governmental authority.  Emergency

15  response measures to reduce the spread of SARS-CoV-2 through,

16  for example, the use of face coverings or masks has placed great

17  responsibility and risk on essential workers who have

1   experienced harassment, intimidation, verbal abuse, and physical

2   assault from members of the public who disagree with the

3   government's order.  While emergency workers are offered some

4   statutory protections, essential workers are generally not

5   protected under these provisions and specific statutory

6   protection for this category of worker needs to be included in

7   the State's emergency management laws.

8       The purpose of this Act is to:

9       (1)  Establish the offense of harassment against an

10           essential worker during an emergency; and

11      (2)  Amend various definitions in the emergency management

12           laws to address pandemics.

13      SECTION 2.  Chapter 711, Hawaii Revised Statutes, is

14  amended by adding a new section to be appropriately designated

15  and to read as follows:

16      "§711-   **Harassment against an essential worker during an**

17  **emergency.**  (1)  A person commits the offense of harassment

18  against an essential worker during an emergency if, during an

19  emergency proclaimed by the governor or mayor pursuant to

20  chapter 127A, a person has the intent to harass, annoy, or alarm

21  any essential worker, and that person:

1  (a) Strikes, shoves, kicks, or otherwise touches another

2     person in an offensive manner or subjects the other

3     person to offensive physical contact;

4  (b) Insults, taunts, or challenges another person in a

5     manner likely to provoke an immediate violent response

6     or that would cause the other person to reasonably

7     believe that the actor intends to cause bodily injury

8     to the recipient or another or damage to the property

9     of the recipient or another;

10  (c) Repeatedly makes telephone calls, facsimile

11     transmissions, or any form of electronic communication

12     as defined in section 711-1111(2), including

13     electronic mail transmissions, without purpose of

14     legitimate communication;

15  (d) Repeatedly makes a communication anonymously or at an

16     extremely inconvenient hour;

17  (e) Repeatedly makes communications, after being advised

18     by the person to whom the communication is directed

19     that further communication is unwelcome; or

20  (f) Makes a communication using offensively coarse

21     language that would cause the recipient to reasonably

1    believe that the actor intends to cause bodily injury

2    to the recipient or another or damage to the property

3    of the recipient or another.

4    (2)   Harassment against an essential worker during an

5    emergency is a misdemeanor.

6    (3)   For purposes of this section, "essential worker" means

7    any person employed by a business or service in the air and

8    ground transportation, construction, defense and law

9    enforcement, energy, food and agriculture, grocery, healthcare,

10   hospitality, information technology systems, telecommunications,

11   retail, or water sectors.  "Essential worker" includes any other

12   person deemed essential by the governor or mayor during an

13   emergency period."

14   SECTION 3.  Section 127A-2, Hawaii Revised Statutes, is

15   amended as follows:

16   1.  By amending the definition of "disaster relief" to

17   read:

18   ""Disaster relief" means any physical or financial

19   assistance provided to individuals or areas in the aftermath of

20   an emergency or disaster[.] and includes efforts to mitigate the

21   social and economic consequences of the disaster."

1    2. By amending the definition to "emergency" to read:

2    ""Emergency" means any occurrence, or imminent threat

3    thereof, which results or may likely result in substantial

4    injury or harm to the population or substantial damage to or

5    loss of property[-] and includes a pandemic."

6    3. By amending the definition of "hazard" to read:

7    ""Hazard" means an event or condition of the physical

8    environment, including a pandemic, that results or may likely

9    result in damage to property or injuries or death to individuals

10    and which may result in an emergency or disaster."

11    4. By amending the definition of "materials" to read:

12    ""Materials" includes medicines, supplies, personal

13    protective equipment, products, commodities, articles,

14    equipment, machinery, and component parts."

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 on July 1, 2050.

# H.B. NO. 643 H.D. 1

**Report Title**:
Emergency Management; Pandemic; Essential Workers; Harassment; Misdemeanor

**Description**:
Makes harassment against an essential worker during an emergency a misdemeanor. Defines essential worker. Amends various definitions in the emergency management laws to address pandemics. Effective 7/1/2050. (HD1)

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