STAND. COM. REP. NO. [352]

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.



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.

STAND. COM. REP. NO. **1352** Page 3

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

LINDA ICHIYAMA, Chai,

State of Hawaii House of Representatives The Thirty-first Legislature H542 1352

Record of Votes of the Committee on Pandemic & Disaster Preparedness

Bill/Resolution No.: 58 540 SD1	Committee Referral: PDP, THA	Date: 3/16/21		
θ The committee is reconsidering its previous decision on the measure				
The recommendation is to: θ Pass, unamended (as is) Pass, with amendments (HD) θ Hold θ Pass short form bill with HD to recommit for future public hearing (recommit)				
PDP Members	Ayes	Ayes (WR)	Nays	Excused
1. ICHIYAMA, Linda (C)	✓			
2. ELI, Stacelynn K.M. (VC)				
2 CHIEN T. IV				
3. CULLEN, Ty J.K.				
4. McKELVEY, Angus L.K.			<u> </u>	
5. MIZUNO, John M.	\sim		ng sumple a last simila manila agrica (la s	
6. WILDBERGER, Tina	V			
7. WOODSON, Justin H.			mang san galawa s	
O WAMACHUTA Wala T				
8. YAMASHITA, Kyle T.				
9. WARD, Gene				
,				
TOTAL (9)	9			
The recommendation is: 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				