

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committee on Judiciary**

February 9, 2021

S.B. No. 540 S.D. 1 (Proposed): RELATING TO EMERGENCY RULES

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The Office of the Public Defender supports S.B. No. 540 S.D. 1 (proposed).

This measure allows for lesser emergency period penalties to be adopted and promulgated by the governor or the mayors. This measure also allows for the emergency period infractions to be processed under the traffic adjudication process in HRS chapter 291D. We believe that allowing flexibility in the penalties for emergency order violations will increase fairness and judicial efficiency while still providing a substantial deterrent to alleged violators.

There were over 60,000 emergency order violations issued last year on the island of Oahu, each one punishable as a misdemeanor. This has proven to be a heavy burden for both the Office of the Public Defender and the court system at large. Many law-abiding citizens, including the Surgeon General, were charged with their first criminal offense last year. Even if the cases were reduced to infractions, many of these individuals were forced to spend substantial amounts of money to hire attorneys for such minor offenses. And many of these individuals, like the Surgeon General, are adamant that they are wrongly accused and want their day in court. Just last week, our office represented a defendant in a three-day jury trial charged with one count of violation of the emergency rules and one count of closed park. After the defendant declined a plea offer to pay a fine in the amount of \$75 (because he was adamant about his innocence) and made approximately 15 pre-trial court appearances, a jury acquitted the defendant of all charges. Certainly, the resources expended to charge, defend and try the defendant were substantial.

Our office has represented a number of individuals on the beach walking from the ocean. We represented high school seniors and parents simply taking graduation photographs on the beach. We know of one case where a family of four took a drive up to Round Top Drive, and the parents were cited for violating the emergency rules

even though no one left their vehicle. Another person who simply stepped off the sidewalk and onto the park to re-tie his shoes so that he would not block the sidewalk was cited for violating the emergency rules. Charging these individuals for misdemeanor offenses was simply unjust and unfair and a waste of resources.

Moreover, many of the misdemeanor citations were issued (and are issued) to the houseless. Some individuals have received over 20 emergency order citations, sometimes receiving up to 9 citations in the same day. According to court records, these individuals also received citations for other crimes of houselessness during this time period (i.e., Unpermitted Sidewalk Structures, Park Closure Violations, etc.). Many of the houseless individuals cited will likely not appear in court, and thus warrants for their arrest will be issued. These individuals will then need to be arrested, booked and brought to court at incredible expense for something as simple as failing to wear a mask properly.

Judicial efficiency would be better served by creating a *civil infraction*, similar to jaywalking or a seat belt violation. Rather than setting mandatory court hearings for these citations, the onus would be on the individual to request a hearing if they wanted to challenge a citation. The majority of the civil infraction citations will be unchallenged; the cited individuals will simply pay the amount of the fine written on the citation either by mail, in person, by phone, or online. And for those who disregard the citations, their unpaid citations will be turned into default judgments rather than bench warrants. This would also reduce law enforcement resources spent on tracking down individuals with a bench warrant for the crime of failing to wear a mask properly or visiting a beach with their children. The financial hit caused by subsequent citations would be a sufficient deterrent for most individuals.

Thank you for the opportunity to comment on S.B. No. 540 S.D. 1 (proposed).



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

S.B. NO. 540, PROPOSED S.D.1, RELATING TO EMERGENCY RULES.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, February 9, 2021 **TIME:** 9:15 a.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Lance Goto,
Deputy Attorney General, at 586-1160)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General supports the Proposed S.D. 1 of this bill with a few amendments.

The purposes of this bill are to allow for lesser emergency period penalties to be adopted and promulgated by the governor or a mayor; and to amend the State's existing traffic infraction adjudication laws to incorporate emergency period infractions so that they are adjudicated in the same manner.

This bill incorporates the emergency period infractions into chapter 291D, Hawaii Revised Statutes (HRS), the traffic infraction adjudication laws, by substituting the words "traffic or emergency period infraction" wherever the words "traffic infraction" appears. Those amendments, however, do not address some provisions in the chapter that are specific to the adjudication of traffic infractions.

Subsection (a), and paragraphs (3) and (7) of subsection (d) of section 291D-5, HRS, regarding the notice of infraction, include specific references to the driver of a motor vehicle. These references should be changed to a more generic term that would also apply to emergency period infractions.

Section 291D-6(a), HRS, as amended by section 6 of this bill, would include the following statement: "There shall be included with the notice of traffic or emergency period infraction a preaddressed envelope directed to the traffic violations bureau of the

applicable district court." The Department will defer to the Judiciary on this matter, but it appears that answers to the notices of emergency period infractions should not be sent to the traffic violations bureau.

Section 291D-12, HRS, is entitled "Powers of the district court judge sitting in the traffic division." It addresses the powers of the traffic division judge to adjudicate traffic infractions. As this section will be extended to the adjudication of emergency period infractions, the section may need to be amended to include district court judges adjudicating traffic and emergency period infractions.

The Department recommends a few other amendments. Section 291D-5(a), HRS, provides that when the notice of infraction is issued, certain information should be collected from the offender and noted on the notice, including the signature, driver's license number, and current address. The Department suggests that the section be amended to include a state identification number, if the person does not have a driver's license, and an email address. When the Department met with the Judiciary, prosecutors, police, and public defenders last year as the emergency period citations overwhelmed the system, it was recommended that the police try to collect email addresses from the offenders. During the pandemic, the courts often had to close its facilities to the public and operate virtually, and sometimes had to cancel or reschedule hearings. It was difficult to contact offenders about the cancellation or rescheduling of hearings during the pandemic situations. Email addresses would have facilitated and expedited communications and saved time and effort on the part of both the court and offenders.

If email addresses are to be collected from offenders, section 291D-7, HRS, should be amended to allow the courts to have the option to contact offenders using their provided email addresses.

The Department also proposes an amendment to section 571-41, HRS, to give the family court the authority to confer concurrent jurisdiction on a district court for emergency period infractions by children. The amendment could read:

Section 571-41, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) The judge, or the senior judge if there is more than one, may by order confer concurrent jurisdiction on a district court created under chapter 604 to hear and dispose of cases of violation of traffic laws ~~[or]~~, ordinances, or emergency period rules, established pursuant to chapter 127A, by children, provision to the contrary in section 571-11 or elsewhere notwithstanding. The exercise of jurisdiction over children by district courts shall, nevertheless, be considered noncriminal in procedure and result in the same manner as though the matter had been adjudicated and disposed of by a family court."

The Department appreciates the effort of the Committee in facilitating the processing of emergency period infractions, and respectfully requests the passage of the Proposed S.D. 1 with the recommended amendments.



The Judiciary, State of Hawai'i

Testimony to the Thirty-First State Legislature, 2021 Regular Session

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

February 9, 2021, 9:15 a.m.
State Capitol, VIA VIDEOCONFERENCE

WRITTEN TESTIMONY ONLY

By:

Mark M. Santoki
Acting Deputy Chief Court Administrator
First Circuit

Bill No. and Title: Senate Bill No. 540, Proposed S. D. 1, Relating to Emergency Rules.

Purpose: Allows for lesser emergency period penalties to be adopted and promulgated by the governor or a mayor. Allows for the infractions to be processed under the state's traffic adjudication process in chapter 291D.

Judiciary's Position:

The Judiciary takes NO POSITION on this measure providing the following comments and technical amendments for consideration.

For clarity, the Judiciary suggests that the definition of "emergency period infraction" be a separate stand-alone definition instead of being included within the definition of "traffic infraction."

The bill allows persons cited for emergency period infractions to have their cases processed in the same manner as traffic infractions, such as parking tickets and speeding tickets. In most cases, a person may pay a traffic infraction fine online through the Judiciary's eTraffic

system and the person is not required to appear in court for a hearing. However, in those instances where a statute provides for a variable fine, online payment is not available and a court appearance is required. If the intent of the bill is to allow persons cited for emergency period infractions to pay their fines online and without appearing in court, the Judiciary suggests that the phrase “provided that the governor or mayor may state and designate in the rule a fine of a different amount” be deleted on page 3, lines 8-9.

The Judiciary also notes that traffic infractions committed by minors are currently processed by District Court. To allow emergency order infractions to also be processed by District Court, the Judiciary requests the following amendment:

SECTION __. Section 571-41, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) The judge, or the senior judge if there is more than one, may by order confer concurrent jurisdiction on a district court created under chapter 604 to hear and dispose of cases of violation of traffic laws [ø], ordinances, or emergency period rules, established pursuant to chapter 127A, by children, provision to the contrary in section 571-11 or elsewhere notwithstanding. The exercise of jurisdiction over children by district courts shall, nevertheless, be considered noncriminal in procedure and result in the same manner as though the matter had been adjudicated and disposed of by a family court."

This is to provide concurrent jurisdiction over HRS Chapter 127A cases involving children defendants similar to traffic infractions.

The Judiciary anticipates that creating emergency period infractions as a new case type in the Judiciary Information Management System (JIMS) will require an appropriation of \$40,000 for the development, testing and software changes needed. The Judiciary would also respectfully request an amendment to HRS § 607-4 to add an administrative fee of \$20 to be assessed by the court for administrative costs associated with processing emergency period infractions with one half of the assessment to be directed to the judiciary computer system special fund, consistent with the fees for processing traffic citations under HRS § 607-4.

Thank you for the opportunity to testify on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

STEVEN S. ALM
PROSECUTING ATTORNEY



THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-First State Legislature
Regular Session of 2021
State of Hawai`i

February 9, 2021

RE: S.B. 540, PROPOSED S.D. 1; RELATING TO EMERGENCY RULES.

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in **support** of S.B. 540, Proposed S.D. 1, with recommendations and a **proposed alternative Proposed S.D. 1**.

The purpose of S.B. 540, Proposed S.D. 1, is to give the Governor and Mayors authority to set the level of offense (up to and including misdemeanor level), for violating any rules established by their emergency proclamations or orders. This bill would also amend Chapter 291D, Adjudication of Traffic Infractions, to include adjudication of emergency period infractions.

Given the tens of thousands of citations issued for violating the Governor and Mayor’s emergency proclamations and orders in 2020, the Department supports this effort to streamline procedures for adjudicating future violations. With regards to the specific language and provisions of this bill, the Department does have a number of suggestions, which we have compiled into a (alternative) Proposed S.D. 1, attached to this testimony.

First, rather than combining “traffic or emergency period infraction” into a single term with a single definition, we recommend using two separate terms: “traffic infraction” and “emergency period infraction,” as those terms have very different meanings, and are used individually in several instances.¹

In Section 6 of the original S.B. 540, Proposed S.D. 1, we respectfully ask the Committee to remove the words, “as the context requires,” found at the end of that section, as this language makes

¹ See standalone use of the term “traffic infraction,” in HRS §291D-3.5; HRS §291D-5(d)(2); and HRS §291D-5(e). See also standalone use of the term “emergency period infraction” in the original S.B. 540, Proposed S.D. 1, page 3, lines 2 and 3 (or in the Department’s Proposed S.D. 1, below, at page 2, lines 21 and 22).

it unclear and subjective as to where the term “traffic infraction” would be replaced and where it would not be replaced.² Moreover, it is unclear who would make that determination.

The vast majority of sections under Chapter 291D appear to be amenable to a blanket “swap” between the term “traffic infraction,” and the proposed term “traffic or emergency period infraction” (or, as we propose, a blanket swap for the proposed phrase, “traffic infraction or emergency period infraction”). However, Section 291D-5, Hawaii Revised Statutes (“HRS”), appears to be somewhat more complicated, necessitating line-by-line amendments.³

As a final note, S.B. 540, Proposed S.D. 1’s proposed amendments to HRS §291D-6 would direct all emergency period infraction responses to the “traffic violations bureau,” which currently only handles traffic infractions. Similarly, proposed amendments to HRS §291D-12 would have a “district court judge sitting in the traffic division” preside over all emergency period infractions. While there does not appear to be any law or rule that would prohibit this, it does seem rather unusual, so we wanted to raise the point, to ensure that that is what is truly intended.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of S.B. 540, with the (alternative) Proposed S.D. 1 attached. Thank you for the opportunity to testify on this matter.

² Please note that no page number or line number can be provided here as reference, because the last page or so of the pdf version (of S.B. 540, Proposed S.D. 1) appears to have been inadvertently cut off or left out when that document was uploaded to the Capitol website.

³ From a bill-formatting standpoint, we are uncertain whether Section 6 of S.B. 540, Proposed S.D. 1, can or should make a blanket “swap” between the existing term and the proposed term, in the abbreviated way that it does—rather than writing-out each section of Chapter 291D separately—but we defer to the Legislative Reference Bureau’s expertise on this matter, as they presumably approved S.B. 540, Proposed S.D. 1, in its current form.

Report Title:

Emergency Period Infractions; Violations; Petty
Misdemeanors; Misdemeanors

Description:

Allows for lesser emergency period penalties to be adopted and promulgated by the governor or a mayor. Allows for the emergency period infractions to be processed under the traffic adjudication process in chapter 291D, Hawaii Revised Statutes. (Proposed SD1)

A BILL FOR AN ACT

RELATING TO EMERGENCY RULES.

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

1 SECTION 1. The legislature finds that the coronavirus
2 disease 2019 (COVID-19) pandemic has created great challenges to
3 global health, economy, and way of life. The governor and
4 county mayors have had to exercise their emergency powers under
5 chapter 127A, Hawaii Revised Statutes, to impose rules aimed to
6 control the spread of COVID-19. The enforcement of these rules
7 is critical to efforts to limit the spread of COVID-19, protect
8 the health and safety of the community, manage medical
9 resources, and restart the economy. To allow for more
10 meaningful and effective enforcement of emergency orders, the
11 governor and mayors need flexibility to promulgate a range of
12 lesser penalties for emergency rules.

13 Accordingly, the purposes of this measure are to:

14 (1) Allow for lesser emergency period penalties to be
15 adopted and promulgated by the governor or a mayor; and

16 (2) Amend the State's existing traffic infraction laws to
17 incorporate emergency period infractions so that they are
18 adjudicated in the same manner.

1 SECTION 2. Section 127A-29, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[§]127A-29[§]—Misdemeanors.~~ **Emergency period**
4 **infractions, violations, petty misdemeanors, and**
5 **misdemeanors.** (a) Any person violating any rule of the
6 governor or mayor prescribed and promulgated pursuant to this
7 chapter and having the force and effect of law~~[7]~~ shall, if it
8 shall be so stated and designated in the rule, be guilty of
9 a violation, petty misdemeanor, or misdemeanor. ~~[Upon]~~ The
10 governor or mayor may state and designate the penalty applicable
11 to the offense; provided that if a penalty is not stated and
12 designated, the person shall be sentenced in accordance with
13 chapter 706; provided further that if both the level of offense
14 and penalty are not stated and designated in the rule, the
15 person shall be guilty of a misdemeanor and upon conviction, the
16 person shall be fined not more than ~~[\$5,000,~~
17 ~~or] \$2,000,~~ imprisoned not more than one year, or both.

18 ~~The~~ In lieu of a violation, petty misdemeanor or
19 misdemeanor, the governor or mayor may ~~prescribe or~~
20 ~~promulgate~~ state and designate the noncompliance of a rule as an
21 emergency period infraction, as defined in section 291D-2. Any
22 emergency period infraction so stated and designated in the
23 emergency proclamation or order shall be adjudicated pursuant to

1 chapter 291D. A person not in compliance with an emergency
2 period rule shall be fined \$200 for each occurrence; provided
3 that the governor or mayor may state and designate in the rule a
4 fine of a different amount.

5 (b) ~~Any~~ Notwithstanding subsection (a), any person who
6 intentionally, knowingly, or recklessly destroys, damages, or
7 loses any shelter, protective device, or warning or signal
8 device, shall if the same was installed or constructed by the
9 United States, the State, or a county, or is the property of the
10 United States, the State, or a county, be fined the cost of
11 replacement, or imprisoned not more than one year, or both. The
12 governor or mayor, may, by rule, make further provisions for the
13 protection from misuse of shelters, protective devices, or
14 warning and signal devices."

15 SECTION 3. Chapter 291D, Hawaii Revised Statutes, is
16 amended by amending the title to read as follows:

17 **"[+]CHAPTER 291D[+]**

18 **ADJUDICATION OF [~~TRAFFIC~~] INFRACTIONS"**

19 SECTION 4. Section 291D-1, Hawaii Revised Statutes, is
20 amended to read as follows:

21 **"[+]§291D-1[+]** **Purpose.** (a) Act 222, Session Laws of
22 Hawaii 1978, began the process of decriminalizing certain
23 traffic offenses, not of a serious nature, to the status of

1 violations. In response to a request by the legislature, the
2 judiciary prepared a report in 1987 that recommended, among
3 other things, further decriminalization of traffic offenses,
4 elimination of most traffic arraignments, disposition of
5 uncontested violations by mail, and informal hearings where the
6 violation or the proposed penalty is questioned. The
7 legislature finds that further decriminalization of certain
8 traffic offenses and streamlining of the handling of those
9 traffic cases will achieve a more expeditious system for the
10 judicial processing of traffic infractions. The system of
11 processing traffic infractions established by this chapter will:

12 (1) Eliminate the long and tedious arraignment proceeding
13 for a majority of traffic matters;

14 (2) Facilitate and encourage the resolution of many
15 traffic infractions through the payment of a monetary
16 assessment;

17 (3) Speed the disposition of contested cases through a
18 hearing, similar to small claims proceedings, in which the rules
19 of evidence will not apply and the court will consider as
20 evidence the notice of traffic infraction, applicable police
21 reports, or other written statements by the police officer who
22 issued the notice, any other relevant written material, and any

1 evidence or statements by the person contesting the notice of
2 traffic infraction;

3 (4) Dispense in most cases with the need for witnesses,
4 including law enforcement officers, to be present and for the
5 participation of the prosecuting attorney;

6 (5) Allow judicial, prosecutorial, and law enforcement
7 resources to be used more efficiently and effectively; and

8 (6) Save the taxpayers money and reduce their frustration
9 with the judicial system by simplifying the traffic court
10 process.

11 The legislature further finds that this chapter will not require
12 expansion of the current traffic division of the district
13 courts, but will achieve greater efficiency through more
14 effective use of existing resources of the district courts.

15 (b) The legislature finds that the pandemic related to the
16 coronavirus disease 2019 (COVID-19) necessitated the imposition
17 of emergency period rules in an attempt to control the spread of
18 COVID-19 in the State. The thousands of violations of the
19 emergency period rules caused an examination of the ability to
20 impose infractions for lesser offenses as an alternative to
21 using the penal code and to allow for more efficient use of the
22 judicial system. The system of processing traffic infractions
23 under this chapter was enacted in 1993 and has provided a useful

1 mechanism for handling offenses deemed as infractions and is
2 well-suited to certain types of violations of emergency period
3 rules that are designated infractions by the governor or mayor
4 under the state's emergency management laws."

5 SECTION 5. Section 291D-2, Hawaii Revised Statutes, is
6 amended by amending the definitions of "concurrent trial",
7 "hearing", ~~"notice of traffic infraction", and~~ "related criminal
8 offense", ~~and "traffic infraction"~~ to read as follows:

9 "Concurrent trial" means a trial proceeding held in the
10 district or family court in which the defendant is tried
11 simultaneously in a civil case for any charged traffic
12 infraction or emergency period infraction, and in a criminal
13 case for any related criminal offense, with trials to be held in
14 one court on the same date and at the same time.

15 "Hearing" means a proceeding conducted by the district
16 court pursuant to section 291D-8 at which the person to whom a
17 notice of traffic infraction or notice of emergency period
18 infraction was issued either admits to the ~~traffic~~-infraction,
19 contests ~~the notice of traffic or emergency period~~-infraction,
20 or admits to the ~~traffic~~-infraction but offers an explanation to
21 mitigate the monetary assessment imposed.

22 ~~"Notice of traffic or emergency period infraction" includes~~
23 ~~a notice of parking infraction.~~

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1 "Related criminal offense" means any criminal violation or
2 crime, committed in the same course of conduct as a traffic
3 infraction or emergency period infraction, for which the
4 defendant is arrested or charged.

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5 SECTION 6. Section 291D-2, Hawaii Revised Statutes, is
6 amended by adding a new definition to be appropriately inserted
7 and to read as follows:

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8 ~~"Traffic or emergency period infraction" means all:~~
9 ~~(1) [violations] Violations of statutes, ordinances, or~~
10 ~~rules relating to traffic movement and control, including~~
11 ~~parking, standing, equipment, and pedestrian offenses, for which~~
12 ~~the prescribed penalties do not include imprisonment and that~~
13 ~~are not otherwise specifically excluded from coverage of this~~
14 ~~chapter[.]; and~~

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15 ~~(2) Occurrences~~ "Emergency period infraction" means all
16 occurrences of non-compliance with rules proclaimed or ordered
17 by the governor or a mayor pursuant to chapter 127A, which that
18 are stated and designated in the emergency proclamation or order
19 as being an emergency period infraction."

20 SECTION ~~67~~. Sections 291D-2, 291D-3, 291D-4, ~~291D-5,~~
21 291D-6, 291D-7, 291D-8, 291D-9, 291D-12, 291D-13, and 291D-14,
22 Hawaii Revised Statutes, are amended by substituting the ~~word~~
23 phrase "notice of traffic infraction or notice of emergency

1 period infraction" wherever the phrase "notice of traffic
2 infraction" appears; and by substituting the phrase "traffic
3 infraction or emergency period infraction" wherever the word
4 phrase "traffic infraction" appears,~~as the context requires.~~

5 SECTION 8. Section 291D-5, Hawaii Revised Statutes, is
6 amended as follows:

7 "§291D-5 Notice of traffic infraction; notice of emergency
8 period infraction; form; determination final unless contested.

9 (a) The notice of traffic infraction for moving violations, and
10 the notice of emergency period infractions, shall include the
11 summons for the purposes of this chapter. Whenever a notice of
12 traffic infraction or notice of emergency period infraction is
13 issued, the person's signature and current address shall be
14 noted on the notice. ~~[Whenever a notice of traffic infraction is~~

15 ~~issued to].~~If at the time of the alleged infraction the person is
16 the driver of a motor vehicle, the ~~[driver's signature,]~~person's
17 driver's license number~~[, and current address]~~ shall also be
18 noted on the notice. If the ~~[driver]~~person refuses to sign the

19 notice of traffic infraction or notice of emergency period
20 infraction, the officer shall record this refusal on the notice
21 and issue the notice to the ~~[driver]~~person. ~~[Individuals]~~Anyone
22 to whom a notice of traffic infraction or notice of emergency
23 period infraction is issued under this chapter need not be

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1 arraigned before the court, unless required by rule of the
2 supreme court.

3 (b) The ~~[form]~~ forms for the notice of traffic infraction
4 and notice of emergency period infraction shall be prescribed by
5 rules of the district court which shall be uniform throughout
6 the State; provided that each judicial circuit may include
7 differing statutory, rule, or ordinance provisions on its
8 respective notice of traffic infraction and notice of emergency
9 period infraction.

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10 (c) A notice of traffic infraction or notice of emergency
11 period infraction that is generated by the use of electronic
12 equipment or that bears the electronically stored image of any
13 person's signature, or both, shall be valid under this chapter.

14 (d) The notice of traffic infraction and notice of
15 emergency period infraction shall include the following:

16 (1) A statement of the specific ~~[traffic]~~ infraction for
17 which the notice was issued;

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18 (2) Except in the case of parking-related traffic
19 infractions, a brief statement of the facts;

20 (3) A statement of the total amount to be paid for each
21 ~~[traffic]~~ infraction, which amount shall include any fee,

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22 surcharge, or cost required by statute, ordinance, or rule, and
23 any monetary assessment, established for the particular ~~[traffic]~~

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1]infraction pursuant to section 291D-9, to be paid by the
2 ~~[driver or registered owner of the vehicle]~~person to whom the
3 notice was issued, which shall be uniform throughout the State;

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4 (4) A statement of the options provided in section
5 291D-6(b) for answering the notice and the procedures necessary
6 to exercise the options;

7 (5) A statement that the person to whom the notice is
8 issued must answer, choosing one of the options specified in
9 section 291D-6(b), within twenty-one days of issuance of the
10 notice;

11 (6) A statement that failure to answer the notice ~~[of~~
12 ~~traffic infraction]~~within twenty-one days of issuance shall
13 result in the entry of judgment by default for the State and may
14 result in the assessment of a late penalty;

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15 (7) A statement that, at a hearing requested to contest
16 the notice~~[of traffic infraction conducted]~~, pursuant to
17 section 291D-8, no officer shall be present unless the driver
18 timely requests the court to have the officer present, and that
19 the standard of proof to be applied by the court is whether a
20 preponderance of the evidence proves that the specified ~~[traffic~~
21]infraction was committed;

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22 (8) A statement that, at a hearing requested for the
23 purpose of explaining mitigating circumstances surrounding the

1 commission of the infraction or in consideration of a written
2 request for mitigation, the person shall be considered to have
3 committed the [~~traffic~~]infraction;

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4 (9) A space in which the signature of the person to whom
5 the notice was issued may be affixed; and

6 (10) The date, time, and place at which the person to whom
7 the notice was issued must appear in court, if the person is
8 required by the notice to appear in person at the hearing.

9 (e) In the case of traffic infractions involving parking
10 or equipment, where the motor vehicle is found parked or stopped
11 without a driver, the notice shall be affixed conspicuously to
12 the vehicle as provided in section 291C-167 and shall include
13 the information required by paragraphs (1) and (3) to (9) of
14 subsection (d)."

15 SECTION 97. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 108. This Act shall take effect upon its approval.

INTRODUCED BY: _____

SB-540

Submitted on: 2/5/2021 3:07:58 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl B.	Individual	Comments	No

Comments:

Comments

Is this bill specific to COVID instances only or other circumstances?

LATE

SB-540

Submitted on: 2/8/2021 5:51:23 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
chelsea trevino	Testifying for Hawaii Quarantine Kapu Breakers	Support	No

Comments:

I support this bill however I feel there needs to be a specific distance of 6 feet added to the social distancing mandate section.

Our state is in desperate need of enforcement with penalties for failing to adhere. Warnings and education have not been effective enough from keeping the spread down as evident by the rates of new cases.

Please empower our law enforcement to make a significant impact in the battle against the spread of COVID.

LATE



February 9, 2021

Aloha Honorable Chair Senator Rhoads and Vice Chair Keohokalole members of the Committee,

I am testifying in support of Senate Bill 540 SD1 relating to **mask violations** on behalf of the Hawai'i Quarantine Kapu Breakers. My name is Angela Keen, I'm a resident of Mo'ili'ili for 27 years. I am the owner, co-founder and administrator for the group. We have 6,700 members across the state with lead teams in each county. We even have members on Lana'i and Moloka'i. ***I also strongly recommend that you consider removing the six foot rule for masks as it is a loophole used for those who are anti-maskers.***

As you know, my community action group spent the past 10 months in the Covid-19 violation trenches as unpaid volunteers. I am also a survivor of Coronavirus. I was hit with it the first week of March 2020. It lasted for 8 weeks. Covid took my breath, it took my job and it almost took my life.

As we approached the pre-testing phase of the reopen, we realized one of the biggest issues for those who were not tested and would sneak out of quarantine was the risk of passing the virus on to others. We all know that according to science — masks work.

You probably saw my statements of concern in the many news stories that I've spoken in over the past few months. The enforcement of the mask mandate has been and still is non-existent. While we've worked closely and effortlessly with the Attorney Generals Office, I'm sorry to say the assistance with the county police departments has been dismal. There needs to be a separate Covid Enforcement team of some sort, responsible for following through with reports of violations.

What our group found on weekend surveillance: Visitors don't wear masks.

Our weekend surveillance of mask wearing across the state shows the rate of mask compliance among locals is about 80 to 95 percent, once you venture into tourist areas, you'll find 50-percent to 60-percent mask compliance. Take a walk in Waikiki, Ko 'Olina or Lahaina or Kona town and you'll see visitor after visitor with no mask. The misdemeanor makes it almost impossible for officers to ticket them.

My members often hand out masks and kindly remind visitors to mask up. They have been spat on, yelled at and told where to go and how to get there. This bill gives us hope because the modifications to the mask mandate will make it more enforceable and therefore will save lives. I commend you for taking action so quickly. As you know the UK variant is here, it's easier to catch and who knows what the future holds for Hawai'i and this virus. If this bill passes, it has the potential to keep our numbers low, help keep the no maskers compliant and it will save lives.

Why the Six-Foot Rule Needs to Be Removed:

Senator Rhoades, I would like to respectfully ask that you also consider removing the six-foot rule for masks. Every person who is asked to mask up complains that they can just keep their distance and not wear a mask. That's not realistic, especially for our workers in the hospitality and tourism industry. It leaves too much wiggle room. We ask that people put on their mask any time they leave their home except for traversing to the beach and in the ocean or pool. This makes it more enforceable with no wiggle room or excuses with the distance.

Every day — every single day — I receive reports from our members many of whom — work in the hospitality and tourism industry — they share with me that locals will gladly comply and apologize for forgetting their mask. However, time after time — it is the tourists who refuse to wear their mask. They tell us they don't have to wear a mask because they tested negative. Or, they say they can stand 6 feet away. This leaves too much wiggle room. We can be the state that serves as an example of how to do things right. We are the most isolated land mass with the most precious people places and things that are found nowhere else.

A Coordinated Effort with the Tourism Industry with Education is Key:

We would like to see a coordinated effort with the tourism industry and the state using Cares Act Funds to help pay for mask mandate educational campaigns, with videos, handouts and hang tags from the airline booking to flights and the hotels. There is no reason for otherwise healthy people to not wear a mask while outside of their room.

Honorable chair and vice chair — I want to personally thank you for your time and effort in making changes to the mask mandate. It shows that you care about our neighbors, our kupuna and community. With an enforceable mask mandate in place, it's our hope that Hawai'i can get back to work and back to business.

Mahalo Palena 'Ole,



Angela Keen
Owner, Co-founder and Administrator
Hawai'i Quarantine Kapu Breakers

HQKB is a 100% volunteer community action group keeping Hawai'i Nei safe from COVID-19.

LATE

SB-540

Submitted on: 2/8/2021 8:02:35 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Derrick Pressley	Testifying for COVID-19 Chat Group	Support	No

Comments:

SB540 I support the Bill, we have 1.4 million people, add tourist and the amount of death and illness can get out of control. I was in Waikiki and the North Shore this week and I was appalled at the amount of people not wearing masks, at present. I have a Site called COVID-19 Chat Group, I am the admin. and have been researching and assisting with info around the SARs COV-2 / COVID-19 sense March 2020. Please make it a fine if masks are not worn. We can win with the vaccines. Please stay safe and make the right choice.

LATE

SB-540

Submitted on: 2/8/2021 9:12:17 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marshall Lum	Testifying for International Association of Machinist Union	Support	No

Comments:

To whom it may concern my name is Marshall Lum of the International Association of Machinist union. I work for the Airlines and our members here in Hawaii support Bill SB540. Being in the travel industry our union members are at the front line and when it comes to travelers/tourist traveling to Hawaii, we have had our fair share of covid cases and our members are constantly having to deal with travelers and co workers that still refuse to use masks because of the 6ft rule. Please make it a mandate that is consistent across the state, sidewalks, trails, public places and basically wear your mask when you leave your home except for traversing to the water. This will help us front line workers in the travel industry because the 6ft rule no one ever carries a measuring tape with them to make sure there is the minimum 6ft is kept and a mask is being used. Having the mask on out all times makes it more simple for everyone to just follow and people can't use the 6ft rule as an excuse on why they don't have the mask on.

Thank you for your time

Marshall Lum

LATE

SB-540

Submitted on: 2/8/2021 5:26:10 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jen Magoon	Individual	Support	No

Comments:

I support the Bill but ask that you remove the 6ft rule. Please make a consistent mandate across the state where masks are worn whenever you leave your home/car (except for crossing to the ocean). The variants of Covid are now upon us and we need to make this clear and consistent please.

LATE

SB-540

Submitted on: 2/8/2021 5:34:56 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Emily Claspell	Individual	Support	No

Comments:

I support this bill SB540 SD1. Regarding enforcement of mandates, I would like the 6 feet rule removed as it applies to wearing masks. This is very confusing to people, and allows people to skip mask wearing in public. Just this past weekend, I was at the beach, socially distancing and wearing my mask. A couple of people walked by me, and asked me why I was wearing my mask, because we were outside, and keeping our distance. However, they did not keep 6 feet away from others while they were walking by, and were not wearing masks, because they were "outside". All along the surf breakwall, people were gathered without masks, and not sitting within their households .It makes sense to me to have a mandate that would apply across the State to keep your mask on when you leave your house or vehicle, and keep it on, unless you are going into the water, regardless of whether you are 6 feet from others or outside. With the COVID variants being so much more contagious and possible more virulent, it makes sense to have a rule that is consistent and easier to enforce.

LATE

SB-540

Submitted on: 2/8/2021 5:50:09 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
kathleen lukens	Individual	Support	No

Comments:

i support bill SB540 but request that the bill state that masks are required in public at all times except when traversing to the water. This means even if you can maintain 6 foot distance you still need to wear a mask when outside regardless of what activity you are doing. This is important to make it clear that there is only one exception to wearing a mask when you are outside and that is when you are walking from the beach directly to the water. Thank you.

LATE

SB-540

Submitted on: 2/8/2021 5:51:27 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn J Carey	Individual	Support	No

Comments:

I strongly support SB540 and companion bill SD1, except I ask that you remove the 6-foot rule. That will make it easier for the public to understand and follow, easier for enforcement, and SAFER for our health. All of this will help our economy recover sooner.

Thank you,

Lynn Carey

SB-540

Submitted on: 2/8/2021 5:56:05 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alexis Frankel	Individual	Support	No

Comments:

I am writing in earnest support for SB540. I am a resident at Kailua Kona, Hawaii. We badly need a mask mandate that is clear and leaves no room for interpretation and is consistent throughout the state. The need for this is urgent as more transmissible variance of the COVID-19 virus take hold and begin to dominate the mainland, as well as make their first arrivals here in the state. too often I have seen the 6 foot exemption for the mask mandate abused or erroneously interpreted to mean masks are not required if one is even outside, regardless of proximity or reasonable chance of coming in close proximity to others. I have seen this at crowded beaches where beach goers are walking near other family groups and where large groups of children are running and playing in close proximity to my family group. I have seen this on hiking trails where the trail is so narrow it is not possible to have 6 feet of distance when passing other hikers. I have seen this at scenic spots popular with visitors, for example Rainbow Falls viewing point in Hilo where numerous groups of people crowded on walkways to and from the site and congregated unmasked around viewing areas. In this case we were unable to even enjoy the site ourselves for risk of exposure. I've seen folks strolling outside in shopping centers having left eating establishments requiring my family to go in the opposite direction or give a particularly wide berth to folks. I've seen very large groups spilling out of churches and actually taking off their masks as they exited the building and dispersed, again into the parking lot of a larger shopping center, to get to their cars. And most heartbreakingly, I very rarely see masks being worn by either adults or children who 5+. I have worked hard to teach my Keiki to wear a mask consistently and properly since she was four years old. The number of times we have had to leave a playground with her in tears because many children much older than her were not wearing masks (an example modeled by their parents/caregivers who are also not wearing them), breaks my heart as a parent. Children will not consistently socially distance at a playground. Masks are the only way for our Keiki to be able to have some normalcy in a situation like a pandemic while having a measure of protection.

There is very clearly a belief that merely being outside confers adequate protection from infection and/or masks are unnecessary and not required. We need better enforcement in these situations for public safety. Law-enforcement needs very clear cut language to be able to communicate with the public when they are enforcing, business owners need the same tool to communicate with customers, and concerned citizens

need to be able to point to clear and unequivocal language when advocating for their own safety with others, and that of their families, in public settings.
Mahalo for your consideration,

Alexis Frankel

LATE

SB-540

Submitted on: 2/8/2021 6:00:36 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ikaika Sarkissian	Individual	Support	No

Comments:

I SUPPORT SB540 (SD1 companion bill) but I ask that they remove the 6ft rule. As a positive member also of Angela Keen's Hawaii Quarantine Kapu Breakers, Please Make it a mandate that is consistent across the state, sidewalks, trails, public places and basically wear your mask when you leave your home except for traversing to the water.

mahalo Hawaii Senate!

LATE

SB-540

Submitted on: 2/8/2021 6:01:11 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Peter A. Sullivan	Individual	Support	No

Comments:

I strongly support SB540 (SD1 companion bill) but would ask for removal of any language referring to a "6ft rule" . Make it a mandate that is consistent across the state, sidewalks, trails, public places and basically wear your mask when you leave your home except for traversing to the water.

Thank you!

Peter Sullivan

LATE

SB-540

Submitted on: 2/8/2021 6:05:31 PM
Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Fujita	Individual	Support	No

Comments:

I write to support SB540. I also ask to eliminate the 6 foot rule/exemption. Please remove descretion in people's thinking. No more exceptions. Out of your personal home, masks must be worn at all times. Walking around with a drink or a lit cigarette or food and no mask is rediculous. Please protect ALL people. Thank you.

LATE

SB-540

Submitted on: 2/8/2021 6:08:19 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Art Ignacio	Individual	Support	No

Comments:

Reducing the penalties for masking and quarantine infractions will remove the hesitancy to cite violators. Enforcement is especially critical with the increase in the more contagious variant. This would be an important enhancement to the current HRS 127A being invoked during this pandemic.

LATE

SB-540

Submitted on: 2/8/2021 6:08:48 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jada Rufo	Individual	Support	No

Comments:

Aloha,

My name is Jada Rufo and I am a member of the Hawaii Quarantine Kapu Breakers Big Island team. I have sent to all of my representatives from my district of South Kohala pictures of visitors in our resorts as well as our beaches blatantly violating our COVID laws esp. our mask laws. I have had several confrontations with visitors who were not wearing masks. When I asked them to please put them on I was told by one group, "Don't worry. We've been tested." Another time the father of a family with children pooh-pooed my request.

Waimea is my home. Every private home has rules. In my house I don't allow smoking and shoes must come off upon entry. Likewise our state has rules that everyone is expected to obey. To me, it is a matter of showing respect to the host country or state. When someone disses my request to wear a mask or keep their distance it pisses me off because they are not being respectful.

LATE

SB-540

Submitted on: 2/8/2021 6:15:56 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Keala Wolf	Individual	Support	No

Comments:

Aloha--

I am in full support of this bill on behalf of my small business Haumea Hawaii. Would you kindly consider removing the 6 foot rule. Thank you for your time and consideration regarding this matter.

Keala Wolf

Haumea Hawaii, LLC

LATE

SB-540

Submitted on: 2/8/2021 6:27:20 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Kaaz	Individual	Support	No

Comments:

I am submitting testimony in support of this bill with the following recommendations:

1. In light of the new variants, the wearing of masks is especially critical. The simpler the mandate, the easier it becomes for to enforce.
2. To this end, please remove the 6 foot distancing rule. This rule is extremely subject to misinterpretation, difficult enforce, and as a result, locals and tourists are often confused about when and where to wear masks, and it is impossible for the police to enforce infractions.
3. A simple rule that requires people to wear a mask whenever they leave their home, except when swimming is very clear and easy to follow.
4. I walk for exercise every morning, and wear a mask when I do. Frequently a runner will come up behind me, not wearing a mask, move over a couple of feet, and run by, cutting right in front of me. With the more highly contagious variants, this practice becomes even more dangerous.

Thank you for your consideration of the elimination of the 6 foot rule. Please amend the bill to eliminate the 6 foot distancing rule and require mask wearing whenever someone leaves the house except when swimming in order to avoid any ambiguity or confusion.

LATE

SB-540

Submitted on: 2/8/2021 6:31:04 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Brehm	Individual	Support	No

Comments:

I SUPPORT SB540 BUT ASK THAT THE 6 FOOT RULE BE REMOVED, as it causes enormous confusion. There have been numerous times that I have been within 6 feet of a stranger, and they do not put on a mask. Please make the mandate uniform across the state: when you leave your home or hotel room, you wear a mask except when you are traversing to the water. Let's make our sidewalks, trails, and all public places safe for everyone, particularly with the variants now in Hawaii. Thank you for considering my testimony.

LATE

SB-540

Submitted on: 2/8/2021 6:32:01 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Browning McCartin	Individual	Support	No

Comments:

I wholeheartedly support this Bill. In a recent walk through a very popular tourist area, mask wearing was down to less than 50%, if that. There was police presence but zero enforcement of the mask rule. We need a mandate that is strong and consistent throughout the State.

LATE

SB-540

Submitted on: 2/8/2021 6:33:05 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
heidi kreul	Individual	Support	No

Comments:

Aloha mai Kakou,

Thank you for taking the time to read my testimony in support of SB540 and SD1 removing the 6ft distance from the current mask mandate. I support mask being mandated as soon as you enter the public. Masks should be worn on sidewalks, hiking trail, public spaces and parks. I have witnessed the HPD struggle to enforce law. They work tireless to protect our community I feel we need to support the HPD and proct our medically fragile and Kupuna.

E malama pono, mahalo nui loa,

Heidi

LATE

SB-540

Submitted on: 2/8/2021 6:37:10 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Frances Oshiro	Individual	Support	No

Comments:

At this time when Hawaii residents' health is at risk and the economy is struggling, I favor this effort to make the enforcement of steps that will help prevent the further spread of COVID easier. I feel that making the violations noted in Section 3 a misdemeanor will accomplish this.

Please pass this piece of legislation. Thank you.

LATE

SB-540

Submitted on: 2/8/2021 6:54:39 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jodie Roeca	Individual	Support	No

Comments:

I SUPPORT the mask mandate of SB540 to make the mask mandate more easily enforceable. However please remove the 6 foot distance limitation on the mask mandate rule, and instead require that anytime someone is away from their own private property or outside of their own car, they should be wearing a mask in the state of Hawai'i. Please mandate masks across the state, on sidewalks, in stores, on trails and beaches, and in all public places where other people are visible or known to be present, except in the ocean or natural swimming areas, or as needed to enter the ocean or natural swimming areas. This becomes so important in light of the impending, more easily spreadable variants of the virus which are just beginning to appear in Hawai'i!

LATE

SB-540

Submitted on: 2/8/2021 6:55:00 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
heather	Individual	Support	No

Comments:

I SUPPORT SB540 (SD1 companion bill), but I ask that you PLEASE remove the 6ft rule. Make it a mandate that is consistent across the state on sidewalks, trails, and all public places. Make it so that one must ALWAYS wear a mask when leaving the home, except for when traversing to the water.

On countless occasions, I have been in the park, on the sidewalk, on the beach, in parking lots, and other places, just to have MASKLESS people and exercisers pass right by me without a care. We've had runners, breathing hard and coughing, come around corners, maskless, almost colliding with us. People do not follow the "6ft at all times" rule. They somehow reduce 6ft to 3ft, 1ft, etc. This 6ft rule cannot and is not being enforced. It is not difficult to wear a mask. With the new variants, it is even more important that we stay vigilant and protected. While we do this, we can work toward normalizing life and the economy. Please protect all members in our community. Please do not give in to those who feel entitled and privileged and immune to this devastating illness.

LATE

SB-540

Submitted on: 2/8/2021 6:59:42 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Paulino	Individual	Support	No

Comments:

I SUPPORT SB540 (SD1 companion bill), but I ask that you PLEASE remove the 6ft rule. Make it a mandate that is consistent across the state on sidewalks, trails, and all public places. Make it so that one must ALWAYS wear a mask when leaving the home, except for when traversing to the water.

On countless occasions, I have been in the park, on the sidewalk, on the beach, in parking lots, and other places, just to have MASKLESS people and exercisers pass right by me without a care. We've had runners, breathing hard and coughing, come around corners, maskless, almost colliding with us. People do not follow the "6ft at all times" rule. They somehow reduce 6ft to 3ft, 1ft, etc. This 6ft rule cannot and is not being enforced. It is not difficult to wear a mask. With the new variants, it is even more important that we stay vigilant and protected. While we do this, we can work toward normalizing life and the economy. Please protect all members in our community. Please do not give in to those who feel entitled and privileged and immune to this devastating illness.

LATE

SB-540

Submitted on: 2/8/2021 7:07:11 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jerry Ferguson	Individual	Support	No

Comments:

I support the SB540 but ask that you remove the 6 foot rule

Make it mandate that it consists across the state, sidewalks, trails, public places and basically wear your mask when you leave your home and hotel room except for transvering into the water.

Mahalo you listening to me

Jerry Ferguson

LATE

I SUPPORT SB40 SD1. Please support a mandate that would be consistent throughout of the state regarding emergency rules relating to Covid-19. This mandate would include mask wearing while using sidewalks, trails and all in public places. Your mask will cover both your nose and your mouth. Also, this mandate should include mask wearing in any other areas outside of your home. The only time you would be exempt from mask wearing is when crossing the beach to get to enter the water.

Thank you for your attention regarding this matter.

Mahalo,

Cindy Johnstone

3429 Kahawalu Drive, Honolulu, HI 96817

LATE

SB-540

Submitted on: 2/8/2021 7:41:15 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Keke Manera	Individual	Support	No

Comments:

I am in full support of this Bill, please continue to do the right thing for Hawai'i and her people. Mahalo

LATE

SB-540

Submitted on: 2/8/2021 7:51:35 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anjanette Naganuma	Individual	Support	No

Comments:

Aloha esteemed public servants,

My name is Anjanette Naganuma and I am from the island of Maui. I SUPPORT SB540 (SD1 companion bill) but I ask that you remove the 6ft exception to the rule.

Please make it a mask mandate that is consistent across the state, and includes language that makes it clear that everyone must wear a mask when traversing sidewalks, trails, on the sand on the beach, and at all public places. All businesses serving the public must abide by an indoor mask mandate. When anyone leaves their home a mask should be worn, excepting traveling alone in their car or swimming in the water. I have been closely passed on sidewalks and beach walks by far too many people (tourist and locals alike) who are not wearing a mask or wear it incorrectly (nose out).

"A properly worn mask completely covers the nose and mouth of the wearer. A mask should be secured to the head, including with ties or ear loops. A mask should fit snugly but comfortably against the side of the face. Masks do not include face shields. Masks can be either manufactured or homemade and should be a solid piece of material without slits, exhalation valves, or punctures. Medical masks and N-95 respirators fulfill the requirements..."

It is to the community's benefit to have a clear mask mandate with only narrow medical exceptions allowed, i.e. *"includes a person with a disability who cannot wear a mask for reasons related to the disability; who, e.g., do not understand how to remove their mask due to cognitive impairment, cannot remove a mask on their own due to dexterity/mobility impairments, or cannot communicate promptly to ask someone else to remove their mask due to speech impairments or language disorders, or cannot wear a mask because doing so would impede the function of assistive devices/technology. It is not meant to cover persons for whom mask-wearing may only be difficult."* [.gov source](#)

Mahalo for your consideration.

LATE

SB-540

Submitted on: 2/8/2021 7:58:24 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tina Cunningham	Individual	Comments	No

Comments:

I SUPPORT SB540 but ask that the 6 foot rule be removed, as it causes enormous confusion. We are a very community involved family, volunteering in cultural, historical, and civic groups. Our family hikes often and walk twice daily either through the Kamaole Beaches and sidewalks that front them or the walk at Wailea. Every time there are numerous people that we pass that are within reach of my arm without a mask on at all. I often will very politely state; "Aloha, please put a mask on please". Yes, I usually state please twice. The majority of the time I am ignored, scoffed at, and often verbally accosted. It has made it such that my family and I do not get to enjoy the very town and county for which WE pay taxes. My father, who needs to walk for his health, cannot join us on the beach walks anymore because these people are a risk to his health. We live near the beach in a lovely neighborhood, but he feels a prisoner of his own home since he is deprived of enjoying his favorite part, as do the rest of us.

Personally, I feel let down by our Governor, Lt. Governor, and Mayor for their lack of a thorough plan of safety measures when they begin the "travel plan". It now falls on our legislature to focus and act in the best interest and safety of our citizens, businesses, and the visitors that come here. Please make the mandate uniform across the state: when you leave your home or hotel room, you wear a mask except when you are traversing to the water. Let's make our sidewalks, trails, and ALL public places safe for everyone, particularly with the variants now in Hawaii.

Mahalo for considering my testimony.

LATE

SB-540

Submitted on: 2/8/2021 8:05:10 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
George Jones-Cunningham	Individual	Support	No

Comments:

I SUPPORT SB540 but ask that the 6 foot rule be removed, as it causes enormous confusion. We are a very community involved family, volunteering in cultural, historical, and civic groups. Our family hikes often and walk twice daily either through the Kamaole Beaches and sidewalks that front them or the walk at Wailea. Every time there are numerous people that we pass that are within reach of my arm without a mask on at all. My mom often will very politely ask; "Aloha, please put a mask on please". Yes, she says please twice. The majority of the time she is ignored, scoffed at, and often verbally accosted. It has made it such that my family and I do not get to enjoy the very town and county for which WE pay taxes. My grandfather, who needs to walk for his health, cannot join us on the beach walks anymore because these people are a risk to his health. We live near the beach in a lovely neighborhood, but he feels a prisoner of his own home since he is deprived of enjoying his favorite part, as do the rest of us.

Personally, I feel let down by our Governor, Lt. Governor, and Mayor for their lack of a thorough plan of safety measures when they begin the "travel plan". It now falls on our legislature to focus and act in the best interest and safety of our citizens, businesses, and the visitors that come here. Please make the mandate uniform across the state: when you leave your home or hotel room, you wear a mask except when you are traversing to the water. Let's make our sidewalks, trails, and ALL public places safe for everyone, particularly with the variants now in Hawaii.

Mahalo for considering my testimony.

LATE

SB-540

Submitted on: 2/8/2021 8:10:45 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
William Cunningham	Individual	Comments	No

Comments:

I SUPPORT SB540 but ask that the 6 foot rule be removed, as it causes enormous confusion. We are a very community involved family, volunteering in cultural, historical, and civic groups. Our family hikes often and walk twice daily either through the Kamaole Beaches and sidewalks that front them or the walk at Wailea. Every time there are numerous people that we pass that are within reach of my arm without a mask on at all. My daughter often will very politely ask; "Aloha, please put a mask on please". Yes, she says please twice. The majority of the time she is ignored, scoffed at, and often verbally accosted. It has made it such that my family and I do not get to enjoy the very town and county for which WE pay taxes. My doctor wants me to walk for my health, and now I cannot walk on my favorite place, the beach, because these people are a risking my health. We live near the beach in a lovely neighborhood, but I am a prisoner in my own home because of these ignorant and selfish actions (or lack of action).

Personally, I feel let down by our Governor, Lt. Governor, and Mayor for their lack of a thorough plan of safety measures when they begin the "travel plan". It now falls on our legislature to focus and act in the best interest and safety of our citizens, businesses, and the visitors that come here. Please make the mandate uniform across the state: when you leave your home or hotel room, you wear a mask except when you are traversing to the water. Let's make our sidewalks, trails, and ALL public places safe for everyone, particularly with the variants now in Hawaii.

Mahalo for considering my testimony.

LATE

SB-540

Submitted on: 2/8/2021 8:23:35 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa Hawkins	Individual	Support	No

Comments:

I SUPPORT SB540 but ask that the 6 foot rule be removed. By removing the 6 foot rule, confusion will be avoided as to when a person should wear a mask. Although I see many people wearing masks in public, there are still people who I encounter on a daily basis that do not put on a mask while exercising or traveling on foot, even when they come into close contact with others. With new variants in Hawaii, a delay in vaccines for residents and thousands of travelers who are coming into the state, removing the 6 foot rule seems like a simple enough way to increase safety of residents and travelers. Thank you for your consideration.

LATE

SB-540

Submitted on: 2/8/2021 8:32:56 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
sara jones	Individual	Oppose	No

Comments:

I do not support removing the 6 foot rule regarding wearing masks in public. Science has confirmed that mask wearing is only necessary when you are within 6 feet of someone, especially when outdoors. I bike ride, golf, walk and hike and only wear my mask when I am closer than 6 feet from someone who is not in my immediate family. This is reasonable and effective. Thank you.

LATE

SB-540

Submitted on: 2/8/2021 9:10:38 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Celeste Yamanaka	Individual	Support	No

Comments:

I support bill SB540 because it encourages people to wear a mask to protect others or be monetarily penalized. We need to be vigilant in mask wearing in order to fight COVID-19 and prevent more illness and death.

The money paid for violations can be used to help people hard hit by the pandemic or even to make up for budget shortfalls. Many of our visitors are inconsistent in their mask wearing putting the Local residences who service them at risk. They need to know we are serious about protecting our people.

Thank you for considering this bill.

LATE

SB-540

Submitted on: 2/8/2021 9:21:07 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Fisher	Individual	Support	No

Comments:

Aloha,

Thank you for your consideration. It's hard to find fault with such a well constucted plan, and while I support the bill, a few changes **MUST** be made. This whole thing has continuously evolved, but what is true and known, is that we are not out of the woods yet, variants are coming/here already, and we cannot vaccinate our local population quickly enough. We need a mandate for state wide mask use and enforcement immediately. It's **LONG** overdue!This is the only place to start fixing the growing problem.

You have to remove the 6 foot rule, as the public should be recognizing that mask use is required in all public places once you are out of your car or residence. There needs to be no "gray"area or people will misunderstand what's necessary and make excuses. **Unless you are traversing to the water, mask should be on.** Period. It's not rocket science, but we need your help to get everyone on board. Take out the 6 foot rule, make it consistent for all islands, and please pass a mask mandate. Please. We need you to act before more people are sick or dying or cases go much higher.

Maui's hospital is **FULL**. My friend's husband sat on a gurny in a hallway with six other people for 9 hours while he was waiting for a bed for a non-Covid emergency this weekend. Things are bad.

Pass this with necessary corrections, so the local police can enforce this, write tickets, make non-mask users get a fine and allow us some chance of survival.

Please.

LATE

SB-540

Submitted on: 2/8/2021 9:25:33 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Heather White	Individual	Support	No

Comments:

Good evening. I wanted to note my support for a statewide mask mandate any time a person is outside of their home/property and not in their car, both indoors and outdoors. Requiring masks only when people can't stay 6 feet apart gives too many people an excuse to not wear masks when they should be wearing them. Mask requirements need to be easier to enforce and more actively enforced. I've seen too many people in public places like farmer's markets not wearing masks or not wearing them properly and that behavior endangers everyone who lives here.

LATE

SB-540

Submitted on: 2/8/2021 9:36:33 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cayanna Herrera	Individual	Support	No

Comments:

I SUPPORT SB540 (SD1 companion bill) but we ask that they remove the 6ft rule. Make it a mandate that is consistent across the state, sidewalks, trails, public places and basically wear your mask when you leave your home except for traversing to the water.

LATE

SB-540

Submitted on: 2/8/2021 9:43:55 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Clayton Kunitake	Individual	Support	No

Comments:

I support wearing masks whenever leaving your home. It doesn't matter the distance between people, wear a mask at all times when in public. Whether you go to the stores, restaurants, businesses, work place, parks, trails, beaches, you must wear a mask. The only exception should be if you're in the ocean or swimming pools.

LATE

SB-540

Submitted on: 2/8/2021 10:12:39 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Keny Lum	Individual	Support	No

Comments:

I support SB540 but desperately request that the removal of the 6ft rule. Please make it a mandate that is consistent across the state on sidewalks, trails, any public places that states you must wear a mask when you leave your home. We live on Wilder Avenue where there is high pedestrian traffic with kids going to Punahou, Maryknoll and UH. There are also many runners, joggers, dog walkers, and families pushing strollers. Most of the people do not wear masks as they travel up and down the sidewalk while breathing and exhaling heavily. They make no effort to put on as mask as they come within 6 feet of others. Many times they run past quickly but are within 2-3 feet range. Consequently, my family and our neighbors are afraid to even be in our front yards doing yard work. We are actually in danger of catching Covid from these people who are spewing out particles from their unmasked faces as they pass each other and the residents of the street.

I have also seen many elderly people at the bus stop being sprayed by the heavy breath of unmasked runners who pass them. With the inability to social distance at a crowded bus stop, many people are exposed to the unmasked runners and pedestrians that pass within 6 feet of them. Please protect the kupuna and keiki who spend a lot of time on these sidewalks and are unprotected by any laws because of the six foot rule. Please remove it immediately!

LATE

SB-540

Submitted on: 2/8/2021 10:56:29 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
SACHI T EDWARDS	Individual	Support	No

Comments:

There are frequent large parties in my district and it seems that even when police are called there is nothing much they can do about it. Please make it easier for police officers to hold people accountable for mask wearing. I and my young children have been heckled by anti-maskers for wearing masks, and without the ability to enforce mask wearing policies, anti-maskers seem to feel emboldened to verbally abuse those of us who take public health precautions seriously.

LATE

SB-540

Submitted on: 2/8/2021 11:00:40 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patrice Pugh	Individual	Support	No

Comments:

I SUPPORT SB540 but am recommending that they remove the 6ft rule. Too many people, tourists and residents alike, are unaware of all the rules and this will be simpler to be known and to be enforced. Please make it consistent so there aren't any technicality excuses. This should be consistent across the state. Too many not complying on sidewalks, trails, and public places. I don't feel that 2 yardsticks should be necessary to prove distance. No questions/no disputes. Additionally, placing and removing masks create cross contamination, which defeats the purpose of limiting airborne infections and keeping healthy. It has been proven that the virus can float in the air, rather than being a heavy droplet that falls to the ground, so stirring up viral particles and inhaling them is a strong possibility when in close quarters, and walking in general with pedestrians passing or approaching. This will also avoid the resistance to not wear a mask while entering a business, such as a restaurant. We don't need our servers to be the enforcement at the entrance, if it is generally known to everyone. Also, people wearing insignificant masks, like bandanas or gators won't be as unaware if they have to continually don a mask. Hoping they get a quality mask instead of a t-shirt. Mahalo.

LATE

SB-540

Submitted on: 2/8/2021 11:14:35 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Welch	Individual	Support	No

Comments:

I SUPPORT SB540 (SD1 companion bill) but with removal of the 6ft rule. Make it a mandate that is consistent across all islands in the state everywhere when you are outside the home. Sidewalks, public spaces, trails, except for traversing to the water.

LATE

SB-540

Submitted on: 2/8/2021 11:52:10 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Will Bailey	Individual	Support	No

Comments:

Aloha State Legislators and fellow Hawaii state citizens, I'm writing you today in support of SB540 but with the change of the 6 foot requirement. I believe having a more consistent message statewide in regards to sidewalk travel, bike paths, beaches, stores, etc. Unless you are currently traversing into or out of the ocean or swimming pool you are REQUIRED to wear a facemask at all times, if found in violation you will be fined and this will be enforced by county Police Officers!

I genuinely care about my Hawaii, my home! I have lived here for 45 years and like so many others I'm concerned about those in the community that are not taking the threat of Covid 19 seriously! I have noticed how the rules have varied from Island to island, county to county. This will also make it easier to enforce!

Mahalo's for your time and consideration!

Will Bailey

LATE

SB-540

Submitted on: 2/9/2021 1:08:35 AM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Malia Ellis	Individual	Support	No

Comments:

I support SB540 (SD1 companion bill) and ask that the 6ft rule be removed.

Make it a consistent mandate across the state to wear your mask any time that you are out in public. On sidewalks, trails and all other public places. I am a surfer who chooses to wear a mask traversing to the water because I am often passed by joggers who do not wear sports masks exhaling their breath heavily as they pass by.

I believe that all who fail to comply to the mandate should be fined and not warned. Both visitors and locals alike. There is no respect from visitors who treat coming to Hawai'i as just fun in the sun. More monitoring of visitor behavior especially in the Kalia area between Hale Koa and the Army Museum is greatly needed. There are daily groups of individuals not wearing face coverings correctly or at all walking around or making their way to Starbucks. Military Police who patrol that area, including the DeRussey parking lot should help to ensure that all people including Military personnel are wearing a mask.

It's been almost a year already. It's time to crack down and get serious about this.

Fine all who do not comply.

Mahalo for your time.

Sincerely,

Malia Ellis

LATE

SB-540

Submitted on: 2/9/2021 1:10:01 AM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
carol lee kamekona	Individual	Support	No

Comments:

I am in Support of SB540 requiring a consistency across the board for the mask mandate. Having the requirement to wearing a mask at all times while in Public with the exception of being actively engaged in the water (ocean or pool). This makes it easily enforceable for our policemen. With the variants now in our Islands and the fact that many kupuna and High risk individuals have not been inoculated, let's make our sidewalks, trails and all Public places safe for everyone. I would also ask that the 6 Ft Rule be removed as it causes much confusion. Many anti-maskers believe that Rule to mean a mask is not required as the distance is sufficient enough. However we all know that store aisles and sidewalks are not 6 Ft wide. Therefore you cannot pass someone safely and still maintain that 6ft distance. I thank you for considering my testimony.

LATE

SB-540

Submitted on: 2/9/2021 2:55:48 AM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra C. Castell	Individual	Support	No

Comments:

I strong support allowing lesser emergency period penalties to be adopted and promulgated by the governor or a mayor. I also strongh support authorizing the county prosecutors to exercise discretion with the offense charged and the penalty sought for certain first-time violations of COVID-19 emergency orders incurred since March 4, 2019.

Sandra Castell, 'Ewa Beach

LATE

SB-540

Submitted on: 2/9/2021 4:56:04 AM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
joyce castillo	Individual	Support	No

Comments:

Please keep bill SB540, but take away the 6 feet rule. Make it mandatory to use and keep on your mask at all times. Once you leave your home and while either in public places such as hiking trails and side walks. Basically any public place. Make it mandatory to keep your mask on at all times, unless coming or going out of the ocean or any large body of water.

LATE

SB-540

Submitted on: 2/9/2021 9:25:13 AM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Colby	Individual	Support	No

Comments:

My name is Jennifer Colby and I am i nsupport of mask wearing in public regardless of distance between persons, only exception is ocean and pool activities.

LATE

SB-540

Submitted on: 2/9/2021 11:56:08 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
kimo galon	Individual	Oppose	No

Comments:

I oppose SB540. Our state and economy should be open. Hawaii has the most strictest covid restrictions and have a lower infection rate than other states such as texas and florida. All restrictions should be lifted.