

STAND. COM. REP. NO.

190

Honolulu, Hawaii

, 2021

FEB 11

RE: H.B. No. 643

H.D. 1

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

Sir:

Your Committees on Pandemic & Disaster Preparedness and Labor & Tourism, to which was referred H.B. No. 643 entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT,"

beg leave to report as follows:

The purpose of this measure is to make interfering with an essential worker during an emergency a felony.

Your Committees received testimony in support of this measure from the Hawai'i Nurses' Association OPEIU Local 50; Kohala Coast Resort Association; International Union of Bricklayers and Allied Craftworkers Local 1; International Brotherhood of Electrical Workers Local 1260; Pride at Work Hawaii; IATSE Local 665; Iron Workers Stabilization Fund; International Longshore and Warehouse Union Local 142; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii State AFL-CIO; Hawaii Operating Engineers Industry Stabilization Fund; Hawaii Airport Labor Coalition; Hawaii Fire Fighters Association; United Food and Commercial Workers 480; UNITE HERE Local 5; and four individuals. Your Committees received testimony in opposition to this measure from For Our Rights and numerous individuals. Your Committees received comments on this measure from the Department of the Attorney General and Hawaii Emergency Management Agency.

2021-1423 HB643 HD1 HSCR HMSO



Your Committees find that the State has been in a state of emergency since March of 2020. During this time, essential workers have played a pivotal role in ensuring that necessary services are continued without disrupting the quality of life for residents. In an attempt to reduce the spread of the coronavirus, the State and counties have placed certain restrictions into effect that essential workers have had to enforce. This has caused unwarranted pushback from some individuals who disagree with the restrictions. This measure would protect essential workers during an emergency to ensure they can continue offering necessary services to residents.

Your Committees note the testimony of the Department of the Attorney General that essential workers and some of the behaviors this measure intends to prohibit would already be covered by existing felonies for assault and terroristic threatening. As to harassment, your Committees find that the current penalty of a petty misdemeanor may not be strong enough to work as a deterrent and that harassment of an essential worker during an emergency warrants its own penalty of a misdemeanor.

Your Committees have amended this measure by:

- (1) Deleting language that would have established the offense of interference with an essential worker as a class C, or class B felony if it involved assault, and all related language to this offense;
- (2) Establishing the offense of harassment against an essential worker during an emergency and making a violation a misdemeanor;
- (3) Changing its effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

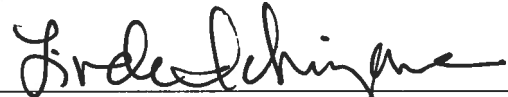


As affirmed by the records of votes of the members of your Committees on Pandemic & Disaster Preparedness and Labor & Tourism that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 643, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 643, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committees on Pandemic &
Disaster Preparedness and Labor
& Tourism,



RICHARD H.K. ONISHI, Chair



LINDA ICHIYAMA, Chair



