

RE: S.B. No. 1119
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii
Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 1119 entitled:
"A BILL FOR AN ACT RELATING TO THE VIOLATION OF RULES DURING EMERGENCY PERIODS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the Governor and the mayors to establish lesser petty misdemeanor offenses and violations during emergency periods, including non-criminal infractions; and
- (2) Establish a more expeditious system for the processing of these infractions to reduce the burden on the court system.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Office of the Public Defender, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, County of Maui Police Department, and one individual. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Judiciary and Hawaii Emergency Management Agency.

Your Committee finds that the global coronavirus disease 2019 (COVID-19) pandemic has created great challenges to our health, economy, and way of life. The Governor and county mayors have had to exercise their emergency powers to impose rules in an attempt to control the spread of the SARS-CoV-2 virus. The enforcement of these rules is critical to the State's efforts to control the spread of COVID-19, protect the health and safety of those in our community, manage our medical resources, and restart our economy.

Your Committee further finds that these enforcement efforts have placed a heavy burden upon the criminal justice system, which must be able to process these cases appropriately to allow for meaningful and effective enforcement. At this time there is concern that the criminal justice system is unable to handle the great number of cases being placed into the system. This measure allows the Governor and mayor to establish lesser offenses during emergency periods so that cases can be processed in a timely and appropriate manner.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1119, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1119, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Public Safety, Intergovernmental, and Military Affairs,

CLARENCE K. NISHIHARA, Chair