

Guidance on Enforcement of State Quarantines & Stay-at-Home Orders

Orders.

- A **mandatory quarantine order** may be imposed on someone who is COVID-19+. DOH must obtain an *ex parte* quarantine order from the court, which requires the state to file a petition. *To date, no quarantine orders have been imposed on any person in the State of Hawai'i.*
- A **2-week self-quarantine order** (with exemptions) was imposed by the 2nd Supplementary Proclamation, dated March 20th, 2020 (2nd Supp) on travelers entering the state, and by the 4th Supplementary Proclamation, dated March 31st, 2020 (4th Supp) on inter-island travel. *Every traveler receives a quarantine order upon arrival, which is imposed regardless of COVID-19 status.*
- The Third Supplementary Proclamation, dated March 23rd, 2020 (3rd Supp), framed the parameters of the Stay-at-Home Restrictions. *Stay-at-home restrictions apply regardless of COVID-19 status.*

Violations.

To address a violation of one of the above three orders, arrest is appropriate. Also, the following criminal penalties apply:

- Violation of an *ex parte* order for mandatory quarantine is a misdemeanor, as noticed in the order.
- 2nd Supp includes rules as well as notice that a violation of the rules is a misdemeanor, punishable with a fine of up to \$5000, imprisonment for not more than one year, or both.
- 3rd Supp violations have the same consequences as 2nd Supp violations.
- 4th Supp includes rules as well as notice that a violation of the rules has the same consequences as 2nd Supp violations.

2nd, 3rd, and 4th Supps were lawfully adopted, properly posted (including the publishing of rules), and currently are in effect through 04/30/2020.

Quarantining a block, neighborhood or area. The Governor can quarantine an identified area under his emergency powers set forth in §127A-13(1), HRS, and can impose criminal penalties.

Traveler w/o lodging. There is no legal authority to seize travelers who arrive w/o lodging and to force them onto a flight out of the state. The state can offer to pay for a traveler's ticket back home but cannot force such travel. In addition, the following actions can be taken:

- 2nd Supp rules require travelers to identify a self-quarantine location upon arrival. Travelers who do not have a location to designate are in violation of the rules and can be arrested unless they return home. Or, the State can designate a quarantine lodging and require travelers to assume all costs.

Enforcement.

Sheriffs, DOCARE, Harbors, AG-Investigators comprise what the State currently calls SLEC. These state law enforcement units have full authority to enforce state laws and work with county police departments on specific enforcement actions in each county. Coordinated and organized deployment of SLEC requires planning with the county police departments. Suggestions to improve enforcement capability, such as routine sharing of information collected at airports with county police departments, is welcome and implementation will be expedited