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SCMF-20-0000152

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the Judiciary’s Response
to the COVID-19 Outbreak

FIRST AMENDED ORDER REGARDING ENTERING JUDICIARY FACILITIES
(By: Recktenwald, C.J.)

In mid-March 2020, when Governor David Ige declared a state of emergency in Hawai‘i in response to the public health threat posed by COVID-19, restrictions on entry to Judiciary facilities were implemented to ensure the safety of court users and Judiciary personnel, consistent with State and Federal guidelines. The Judiciary has updated its restrictions as guidelines evolve.

On August 10, 2020, in response to Governor Ige’s “Eleventh Proclamation Related to the COVID-19 Emergency Interisland Travel Quarantine”, which reinstated, in part, a mandatory 14-day quarantine for any person traveling interisland and arriving into the counties of Kaua‘i, Hawai‘i, Maui, and

Kalawao, additional restrictions on entry to Judiciary facilities for the Second, Third, and Fifth Circuits were implemented consistent with Governor Ige's mandate. Since then, Governor Ige has issued a "Fourteenth Proclamation Related to the COVID-19 Emergency," dated October 13, 2020, which provides that the mandatory 14-day quarantine for any person traveling interisland and arriving into the counties of Kaua'i, Hawai'i, Maui, and Kalawao remains in effect, subject to certain exceptions implemented within each County, through November 30, 2020. At that time, Governor Ige announced a pre-travel testing program for interisland travelers traveling into the Counties of Kaua'i and Maui. Under this program, effective October 15, 2020, any person traveling interisland into the Counties of Kaua'i and Maui who produces a negative COVID-19 test result from a State-approved laboratory within 72 hours of departure will not be subject to the mandatory 14-day quarantine.

The "Fourteenth Proclamation Related to the COVID-19 Emergency" also addresses the negative test exception to the mandatory 14-day quarantine for all travelers entering the State effective October 15, 2020. Under the negative test exception, any traveler five years old and older who, upon entering the State, provides written confirmation from a State-approved Clinical Laboratory Improvement Amendments certified laboratory of a negative test result from a Nucleic Acid Amplification test

administered to the traveler within 72 hours from the final leg of departure, will not be subject to the mandatory 14-day quarantine. Each County may adopt or reject a negative test exception, and is authorized to implement post-arrival supplemental testing.

Currently, the negative test exception is implemented for all travelers entering each County from out-of-state. In addition, the County of Hawai'i has implemented a two-test plan for trans-Pacific travelers as set forth in Mayor Harry Kim's "Amendment to Mayor's COVID-19 Emergency Rule No. 12," dated October 12, 2020. The Counties of Kaua'i and Maui have established voluntary post-arrival testing programs. Honolulu County is exploring the feasibility of implementing a second test process.

On October 14, 2020, in light of Governor Ige's mandate and the interisland and pre-travel quarantine requirements currently in place in the respective Counties, the restrictions on entry to Judiciary facilities for each Circuit were revised pursuant to an "Order Regarding Entering Judiciary Facilities". As the interisland and pre- and post-travel quarantine requirements evolve, further revisions to the restrictions on entry to Judiciary facilities will be necessary.

Since the October 14, 2020 order was entered, the requirements for travel within the islands of Maui County (Maui,

Moloka'i, and Lāna'i) have been shared with the Judiciary, including Mayor Michael Victorino's "Public Health Emergency Rules, Amended October 13, 2020," which exempts from pre-travel COVID-19 testing any person not subject to any quarantine who travels solely within the islands of Maui County.

In addition, the County of Hawai'i has implemented two negative test exception options for interisland travelers to avoid the mandatory 14-day quarantine, as set forth in Mayor Harry Kim's "Amendment #2 and Extension to Mayor's COVID-19 Emergency Rule No. 12," dated October 18, 2020.

In light of these changes, the October 14, 2020 order must be further revised. Therefore, pursuant to article VI, sections 6 and 7 of the Hawai'i Constitution and Hawai'i Revised Statutes §§ 601-1.5 and 601-2,

IT IS HEREBY ORDERED that the following provisions are effective immediately:

1. The September 28, 2020 Order Regarding Judiciary Operations remains in effect except as amended herein.

2. No one shall enter Judiciary facilities in the **First Circuit** if they:

- Have a fever, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness.
- Have had close contact with a person who has or is suspected to have COVID-19.

- Have traveled outside of Hawai'i in the past 14 days and have not satisfied the negative test exception to the mandatory 14-day quarantine, subject to any subsequent out-of-state travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.

3. No one shall enter Judiciary facilities in the

Second Circuit if they:

- Have a fever, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness.
- Have had close contact with a person who has or is suspected to have COVID-19.
- Have traveled interisland and 14 days has not passed since such travel, except (a) if the person satisfies the negative test exception to the mandatory 14-day quarantine, or (b) if the person is not subject to quarantine and is traveling solely within the islands of Maui County (Maui, Moloka'i, and Lāna'i), subject to any subsequent interisland travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.
- Have traveled outside of Hawai'i in the past 14 days and have not satisfied the negative test exception to the mandatory 14-day quarantine, subject to any subsequent out-of-state travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.

4. No one shall enter Judiciary facilities in the

Third Circuit if they:

- Have a fever, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness.

- Have had close contact with a person who has or is suspected to have COVID-19.
- Have traveled interisland and 14 days has not passed since such travel, except if the person (a) satisfies the negative test exception to the mandatory 14-day quarantine, or (b) satisfies the post-arrival test requirements during the 14-day self-quarantine as set forth by the County of Hawai'i, subject to any subsequent interisland travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.
- Have traveled outside of Hawai'i in the past 14 days and have not satisfied the negative test exception to the mandatory 14-day quarantine and the post-arrival test requirements as set forth by the County of Hawai'i, subject to any subsequent out-of-state travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.

5. No one shall enter Judiciary facilities in the

Fifth Circuit if they:

- Have a fever, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness.
- Have had close contact with a person who has or is suspected to have COVID-19.
- Have traveled interisland and 14 days has not passed since such travel, except if the person satisfies the negative test exception to the mandatory 14-day quarantine, subject to any subsequent interisland travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.
- Have traveled outside of Hawai'i in the past 14 days and have not satisfied the negative test exception to the mandatory 14-day quarantine, subject to any subsequent out-of-state travel

restrictions imposed through Statewide or County emergency orders, rules, or proclamations.

6. The emergency orders previously issued by the chief judge of each circuit shall remain in effect, but may be modified by the chief judge of said circuit consistent with this order.

7. This order may be modified as necessary.

Dated: Honolulu, Hawai'i, October 22, 2020.

/s/ Mark E. Recktenwald

Chief Justice

