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SCMF-20-0000152

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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

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SECOND 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.

The evolution of the Statewide and County specific interisland and trans-pacific travel mandates necessitated additional revisions to the entry requirements to Judiciary facilities, as set forth in (1) the Order Regarding Entering Judiciary Facilities, filed on October 14, 2020, and (2) the

First Amended Order Regarding Entering Judiciary Facilities, filed on October 22, 2020.

On December 16, 2020, Governor Ige issued his "Seventeenth Proclamation Related to the COVID-19 Emergency," which, among other things, restated the negative test exception to the mandatory self-quarantine requirements for trans-pacific travel under the State's Safe Travels program and maintained the mandatory 14-day self-quarantine, but shortened the self-quarantine period from 14-days to 10-days for trans-pacific and interisland arrivals, as applicable, effective December 17, 2020. With respect to travel between Counties, mandatory self-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, including any applicable testing exceptions, implemented within each County. The provisions of the Governor's Proclamation expire on February 14, 2021.

In light of these recent changes, the October 22, 2020 order must be further revised. Therefore, pursuant to article VI, sections 6 and 7 of the Hawai'i Constitution, Hawai'i Revised Statutes §§ 601-1.5 and 601-2, and Governor David Y. Ige's Emergency Proclamations,

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

1. The November 25, 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 or of COVID-19 as set forth by the Centers for Disease Control and Prevention ("CDC").
- Have had close prolonged contact with a person who has or is suspected to have COVID-19.
- Have traveled outside of Hawai'i in the past 10 or 14 days (as applicable based on the date of arrival) and have not satisfied the negative test exception to the mandatory self-quarantine period (based on the date of arrival), 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 or of COVID-19 as set forth by the CDC.
- Have had close prolonged contact with a person who has or is suspected to have COVID-19.
- Have traveled interisland and the applicable self-quarantine period (based on the date of arrival) has not passed since such travel, except (a) if the person satisfies the negative test exception to the self-quarantine mandate, or (b) if the person is not subject to any quarantine or stay-at-home order and is traveling solely within the

islands of Maui County (Maui, Moloka'i, and Lāna'i) or solely between Kalawao County and other locations on Moloka'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 10 or 14 days (as applicable based on the date of arrival) and have not satisfied the negative test exception to the mandatory self-quarantine period (based on the date of arrival), 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 or of COVID-19 as set forth by the CDC.
- Have had close prolonged contact with a person who has or is suspected to have COVID-19.
- Have traveled interisland and the applicable self-quarantine period (based on the date of arrival) has not passed since such travel, except if the person (a) satisfies the negative test exception to the self-quarantine mandate, (b) avails themselves of the pre-test requirements and does not have their results upon arrival, but later receives a negative test result, or (c) satisfies the post-arrival test requirements during the applicable period of 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 10 or 14 days (as applicable based on the date of arrival) and have not satisfied the negative test exception to the mandatory self-quarantine period (based on the date of arrival) 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 or of COVID-19 as set forth by the CDC.
- Have had close prolonged contact with a person who has or is suspected to have COVID-19.
- Have traveled interisland and the applicable self-quarantine period (based on the date of arrival) has not passed since such travel, 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 10 or 14 days (as applicable based on the date of arrival), 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. Exceptions may be made to the restrictions in extraordinary circumstances.

8. This order may be modified as necessary.

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

/s/ Mark E. Recktenwald  
Chief Justice

