

of Hawai'i Department of Health (DOH), and the Hawai'i Emergency Management Agency (HIEMA).

In furtherance of this Court's commitment to protect the health and safety of all court users and Judiciary employees while maintaining efficient court operations, and pursuant to the Orders of Chief Justice Mark E. Recktenwald in SCMF No. 20-0000152, In re the Judiciary's Response to the COVID-19 Outbreak, and with my authority as Chief Judge of the First Circuit, IT IS HEREBY ORDERED:

1. The following shall apply to all courthouses and their facilities within the First Circuit of the State of Hawai'i ("Judiciary facilities").
2. **Physical Distancing:**
 - a) Physical distancing is no longer required.
 - b) Nevertheless, all court users and Judiciary employees are encouraged to observe the spaces in which they find themselves in Judiciary facilities, and to assess and understand their exposure risks.¹ Where and when appropriate, all court users and Judiciary employees are encouraged to increase physical distance between themselves and others to decrease the risk of COVID-19 transmission.
3. **Face Masks.** Face masks are no longer required to be worn upon entry into Judiciary facilities, except as follows:
 - a) The Chief Judge has the authority to require the use of face masks upon entry into Judiciary facilities if it is deemed necessary for public health.

¹ For more information on assessing your exposure risks, please visit <https://www.cdc.gov/coronavirus/2019-ncov/your-health/risks-exposure.html>.

- b) The Presiding Judge has the authority to require the use of face masks in that Judge's courtroom.
 - c) Anyone who tested positive for COVID-19 in the last 10 days or has been in close contact² with a person who tested positive for COVID-19 in the last 10 days shall wear a face mask upon entry into Judiciary facilities.
4. **Trials:** All trials shall be conducted in person.
5. **Jury Selection:** Jury selection shall return to pre-COVID-19 operations and protocols unless the Court, in its sole discretion and in compliance with applicable court orders and rules, orders otherwise.
6. **Entry into First Circuit Judiciary Facilities:**
- a) No person shall enter Judiciary facilities if they have tested positive for COVID-19 or suspect that they have COVID-19.
 - b) Regardless of vaccination status, a person shall not enter Judiciary facilities if they:
 - 1. Had tested positive for COVID-19, unless wearing a well-fitting mask while inside Judiciary facilities and 10 days have passed since receiving the positive test results.
 - 2. Had not tested positive for COVID-19 but are currently experiencing symptoms of respiratory illness or COVID-19,³ until symptoms have fully resolved or they have been cleared by a medical professional to be in public.

² The CDC defines "close contact" as being "less than 6 feet away from an infected person...for a total of 15 minutes or more over a 24-hour period[.]" <https://www.cdc.gov/coronavirus/2019-ncov/php/contact-tracing/contact-tracing-plan/appendix.html>.

³ Posted at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

3. Had been in close contact with a person who had tested positive for COVID-19, unless 5 days have passed since the last contact with the positive individual or they have tested negative for COVID-19 and have been cleared by a medical professional to be in public.
4. Are required to self-quarantine by the State of Hawaii or the City and County of Honolulu.

7. Exemptions:

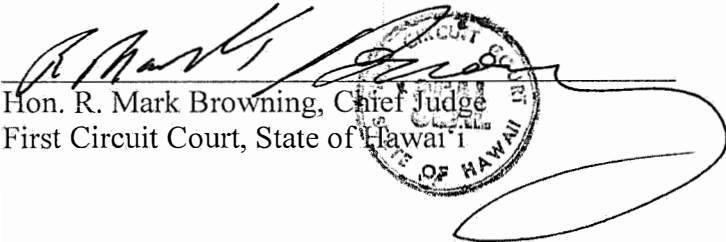
- a) Court users who cannot wear a mask or cannot safely wear a mask because of a disability, medical condition, or mental health condition, may request an exemption from the Chief Judge, the Chief Court Administrator, or their designees. Children younger than two (2) years of age are automatically exempt from the mask requirement.
 - b) Employees who cannot wear a mask or cannot safely wear a mask because of a disability, medical condition, or mental health condition, may request an exemption from their respective supervisors, who shall consult with the respective Chief Court Administrator, Deputy Chief Court Administrator, or Department Head.
8. This Order does not restrict or otherwise abrogate the express and inherent authority of the court and its judges to provide for the orderly conduct of proceedings, control in the furtherance of justice the conduct of persons connected with judicial proceedings, or to control processes and orders so as to make them conform to law and justice. Specifically, if a judicial officer determines it is necessary to the furtherance of justice to wear or

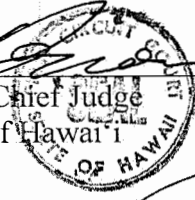
remove their face covering when on the bench or to direct or allow an individual in their courtroom to wear or remove their face covering, they may do so.

9. This Order may be modified as circumstances warrant. Absent further action, this Order shall be effective starting Tuesday, April 11, 2023 and shall remain in effect until further order of the Court.

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, APR 10 2023 .


Hon. R. Mark Browning, Chief Judge
First Circuit Court, State of Hawai'i



SP. No. 1CSP-20-000082; In the Matter of the Circuit Court of the First Circuit's Response to the COVID-19 Outbreak; General Order #3 Regarding All Trial Courts of the First Circuit of the State of Hawai'i.