ORDER 33. FACE COVERINGS

(a) In N.D.Sup.Ct.Admin.O. 25, the Justices of the North Dakota Supreme Court declared a state of emergency statewide for the Judicial Branch due to the COVID-19 pandemic.

(b) Additional federal, state and municipal government entities have declared public health emergencies due to the COVID-19 pandemic.

(c) On November 13, 2020, Governor Doug Burgum, in response to a sharp increase in COVID-19 cases in North Dakota, issued an executive order requiring face coverings to be worn in all indoor public spaces.

(d) It is hereby ORDERED that court personnel and users of court facilities must meet or exceed mask or face covering requirements applicable in the local jurisdiction.

(e) A trial judge may authorize removal of masks or face coverings, including:

> (1) when a participant is speaking from behind a Plexiglass barrier or transparent face shield;
>
> (2) for purposes of witness testimony, defendant identification, or making an appropriate record.

When removal of masks or face coverings is authorized, appropriate social distancing must be observed.

(f) This order does not require the use of a mask or face covering by anyone for whom doing so would be contrary to his or her health or safety because of a medical condition or anyone under the age of 2 years.

(e) This order is adopted on an emergency basis, effective immediately.

The Supreme Court of the State of North Dakota convened this 1st day of December, 2020, with the Honorable Jon J. Jensen, Chief Justice, and the Honorable Gerald W. VandeWalle, the Honorable Daniel J. Crothers, the Honorable Lisa Fair McEvers, and the Honorable Jerod E. Tufte, Justices, directed the Clerk of the Supreme Court to enter the above order.

/s/ Petra H. Mandigo Hulm
Clerk
North Dakota Supreme Court