Court News ...

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The Supreme Court of South Carolina

RE: Required Use of Protective Masks in County and Municipal Courthouses

ORDER

The number of COVID-19 infections in South Carolina is rapidly increasing and has reached an alarming positive test rate. In order to protect the health and safety of members of the public and judicial staff, and in order to maintain the operation of the South Carolina Unified Judicial System, I find it now necessary to issue this Order to effectuate a statewide mandate requiring a mask or other facial covering in county and municipal courthouses statewide.

Early on in the COVID-19 pandemic, I, as well as Court Administration, communicated with County Executives and Clerks of Court inquiring as to the availability of personal protective equipment (PPE) for court facilities. Specifically, I requested County Executives to inquire whether their Clerks of Court had access to necessary supplies and, if not, to provide assistance that would allow them to operate safely and effectively. More recently, Clerks of Court and summary courts statewide were notified that an Order requiring the use of masks or other facial coverings while in courthouses would be forthcoming.

In response to the initial communications with County Executives, Clerks of Court, and summary courts regarding the availability of PPE, it appeared that not all counties had adequate PPE such as masks and hand sanitizer to help ensure the safety of members of the public and court staff, particularly as courts attempt to resume normal function.

Now that there has been adequate time to gather necessary supplies, a statewide mandate for the use of PPE in county and municipal courthouses statewide is both practicable and necessary. Some local governments and Clerks of Courts recognized the efficacy of facial covering and have already instituted mask requirements. Additionally, the Governor recently announced the requirement for the use of facial covering in state government buildings. The statewide mandate contained in this Order will ensure uniformity throughout the South Carolina Unified Judicial System.

Pursuant to Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED all persons employed in, conducting business in, or otherwise visiting or present for any reason in county and municipal courthouses statewide are **required** to wear a protective mask or other facial covering while inside the courthouse, subject to the following provisions:

- During courtroom proceedings, the judge may require the removal of masks or face coverings for a brief period of time for the fair presentation of the case. In such instances social distancing should be observed.
- Judges and court reporters may remove their masks while in the courtroom in order to fulfill their duties. In such instances clear face shields should be worn if available and social distancing should be observed to the extent practicable.
- Face coverings need not be worn by judges and courthouse personnel while in private work areas where the person is not likely to come within six feet of other staff.
- Persons may be required by judges, courthouse staff, or law enforcement to briefly remove their mask when necessary for identification purposes.

IT IS FURTHER ORDERED all persons employed in, conducting business in, or otherwise visiting or present for any reason in county and municipal courthouses statewide shall be screened for fever by courthouse staff using an infrared or temporal thermometer. Anyone who registers a temperature of 100.4 degrees Fahrenheit or above shall not be admitted. However, if a person believes their temperature is temporarily elevated due to warm weather or a medical condition, they may be retested after allowing for a brief period of time to cool off. If the person was there to attend a court proceeding, the court should be notified of the person's name and the proceeding they were to attend, and the judge may continue the matter. Any thermometer or other equipment used to screen visitors shall be regularly disinfected.

To ensure that proper social distancing may be maintained, and that there are sufficient supplies for those who must be present in courthouses, Clerks of Court and Chief Judges for Administrative Purposes or presiding judges may limit the number of non-litigants allowed inside courthouses.

Any person who refuses to comply with these directives is subject to contempt for violation of this order. This order does not prohibit anyone from wearing other PPE, including but not limited to gloves, in addition to their mask or other facial covering.

This order supersedes the previous order regarding Use of Personal Protective Equipment in County Court Facilities dated May 26, 2020. The provisions of this order are effective immediately and remain in effect unless amended or revoked by subsequent order of the Chief Justice

s/Donald W. Beatty
Donald W. Beatty
Chief Justice of South Carolina

Columbia, South Carolina
July 30, 2020