

The Supreme Court of South Carolina

RE: Rescission of Order Requiring Use of Protective
Masks in County and Municipal Courthouses and other
Orders Concerning In-Person Proceedings

ORDER

On July 30, 2020, I issued an order mandating the use of masks or other facial coverings in county and municipal courthouses. This order was based upon rapidly increasing COVID-19 infections and an alarming positive test rate. Since that time, effective vaccines against COVID-19 have been developed and distributed, and are widely available at no cost. Further, positive case and percent positive rates continue to fall, and other, similar mandates in existence at the time of that order have been rescinded.

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

IT IS ORDERED that the July 30, 2020 order titled *RE: Required Use of Protective Masks in County and Municipal Courthouses* shall be rescinded effective March 1, 2022. This rescission ends the mandate that "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."

Notwithstanding the rescission of this mandate, any person who is at risk or concerned about the dangers of COVID-19 may continue to wear a mask inside any courthouse, subject to a request from judges, courthouse staff, or law enforcement to briefly remove that mask when necessary for security or identification purposes. Judges may also require the removal of a mask during the presentation of a case to ensure fairness. Furthermore, judges may require that persons present in a courtroom wear a mask in individual cases where warranted by the circumstances.

Additionally, although rescission of this order also rescinds the mandate that all courthouses conduct temperature screenings, it does not eliminate or abolish the

discretion of judges or courthouse staff to conduct temperature screenings or employ other reasonable mitigation measures at entrances to courthouses or within courthouses and in courtrooms.

IT IS FURTHER ORDERED that the February 26, 2021 orders titled *RE: In-Person Proceedings and Jury Trials in Circuit, Family, Probate, and Master-in-Equity Courts*; and *RE: In-Person Proceedings and Jury Trials in the Summary Courts* are also rescinded effective March 1, 2022, since these orders refer to several other orders that have previously been rescinded or modified, including the order mandating the wearing of masks.

With respect to the jury trial safety plans referenced in those orders, clerks and Chief Administrative Judges are urged to review their plans and modify them as they believe necessary. Any revised plan should continue to provide reasonable protection for the public, attorneys, judges, and court personnel in carrying out jury trials and other in-person proceedings, while maximizing the ability of those courts to utilize all available courtrooms to the fullest extent possible. Courts will not be required to provide new or amended safety plans to Court Administration for approval; however, courts should continue to follow guidance from Court Administration, in any administrative orders, in the rules of court, and in orders of the Supreme Court in preparing or modifying any safety plans.

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

Columbia, South Carolina
February 17, 2022