

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA**

**ACCESS AND RULES WITHIN
COURTHOUSES DUE TO STATUS
OF COVID-19 PANDEMIC**

AMENDED STANDING ORDER 22-1

Since March of 2020, this Court has implemented various safety precautions within courthouses in the District of South Dakota to seek to prevent the spread of the COVID-19 virus while performing the critical task of properly administering justice. Those safety precautions have paralleled guidance from the Centers for Disease Control and Prevention (CDC). Many people now are fully vaccinated against COVID-19, and the vaccines have been proven to be safe and very effective in preventing spread. Masks have proven critical to block the spread of the virus. The CDC periodically revises its guidance and now recommends that fully vaccinated people wear masks in public indoor settings only in areas where the community levels of COVID-19 are “high”. Now therefore,

IT IS ORDERED:

1. Masks must be worn in all common areas of any courthouse and probation office located within a South Dakota county where the community levels of COVID-19 are “high” as defined by the CDC. A gaiter, bandana, or handkerchief does not qualify as a mask under this standing order.
2. For courthouses in South Dakota counties where the community levels are “medium” or “low” as defined by the CDC, the Court Security Officers (CSOs) shall notify those entering the courthouse that, if they are not fully vaccinated, they must wear a mask while in the courthouse. The CSOs will continue to furnish a mask to anyone who does not have one. Mask-wearing within the common areas of any courthouse where there is not “high” community levels of COVID-19 is optional for those who are fully vaccinated. Anyone who falsely claims to be fully vaccinated and goes without a mask may be subject to contempt of court proceedings for violating this order.
3. All people who are not fully vaccinated - including jurors, court employees, witnesses, CSOs, Deputy U.S. Marshals, parties and attorneys - must wear a mask within all common areas of the courthouse, including within the courtroom. The U.S. Marshals Service is responsible for determining whether a defendant in custody is eligible under this Amended Standing Order to appear in court without a mask.
4. The CSOs are to stop entry into the courthouse of anyone who:
 - has contracted the COVID-19 virus and continues to have symptoms of the virus;

- has contracted the COVID-19 virus within the past 10 days but is asymptomatic after five days, unless such a person wears an N-95 style mask at all times within the courthouse;
- is unvaccinated and has had contact within the past ten days with someone who has contracted the COVID-19 virus, unless that person has had a negative COVID test five days or more after the exposure;
- has been directed to self-quarantine by any doctor, medical provider, hospital, or health agency; or
- has a fever (by CDC guidelines, a temperature greater than 100.4).

A temperature scanner exists at each public entry in courthouses to assist in determining if a person is running a fever. The CSOs are authorized to question people entering the courthouse to determine whether any person fits any of these criteria. Asking a person whether they have been vaccinated is not a violation of the Health Insurance Portability and Accountability Act or other law, but a person may refuse to answer and may then enter the courthouse if, and only if, they are wearing a mask.

5. Anyone who has business to conduct in the courthouse but is unable to appear because of these restrictions should proceed as follows:

- If you are represented by an attorney, please contact your attorney;
- If you are an attorney and you are scheduled to appear in court before a judge, please contact chambers directly (contact information is on the Court's website);
- If you are scheduled to meet with a Pretrial/Probation officer, please contact the Probation office at (605) 977-8900;
- If you are a juror, please contact the Jury Administrator at (605) 330-6620;
- For Bankruptcy Court matters, please contact the Bankruptcy Clerk at (605) 357-2400;
- For all other matters, including participation in hearings remotely, please contact the District Clerk of Court at (605) 330-6600. The Court has made arrangements for members of the public to listen to hearings, and in some cases participate, by telephone.

6. Due to the fluid nature of the COVID-19 outbreak and need for flexibility in responding, the judicial officer before whom any hearing is scheduled may determine whether any different standards should apply for a particular court proceeding.

DATED this 9th day of March, 2022.



ROBERTO A. LANGE, CHIEF JUDGE
UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA