



The Supreme Court of South Carolina

DONALD W. BEATTY
CHIEF JUSTICE

POST OFFICE BOX 3543
SPARTANBURG, SOUTH CAROLINA 29304-3543

MEMORANDUM

To: Magistrates, Municipal Judges, and Summary Court Staff
From: Chief Justice Beatty
Subject: Coronavirus (COVID-19) Preparation and Procedures
Date: March 12, 2020

The South Carolina Judicial Branch (SCJB) is actively monitoring the development of Coronavirus (COVID-19). Pandemic preparation is contemplated in the SCJB's Business Continuity Plan. Our Business Continuity Plan has been established to ensure that the SCJB can prepare for, respond to, and recover from any emergency that disrupts normal operations.

County and municipal employees working within the Unified Judicial System should follow the decisions made by the respective county or municipal government officials with regard to office and facility closings. Under present conditions, courts can and should remain operational and are projected to be able to do so.

As the situation continues to develop, this office wants to remind all employees of the Summary Courts of the following:

- Courthouses should remain available for the following critical functions:
 - Acceptance of filings and payments (including bonds)
 - Emergency hearings (including, but not limited to: restraining orders, orders of protection, bond revocation/modification, and vacating of bench warrants)
 - Transmission of necessary information to SLED and/or NCIC
 - Compliance with the Financial Accounting Order
- Bond hearings should continue as regularly scheduled. At a minimum, bond hearings should be held at least once per day.

- The court shall continue to conduct probable cause determinations if a defendant is arrested and incarcerated on a Uniform Traffic Ticket.
- The bond court shall continue to unseal bench warrants or inform defendant of right to counsel and new court date and vacate bench warrant.
- Victim's rights must be complied with. A victim advocate/notifier must be available for bond hearings.
- If a defendant has been in jail as a pre-trial detainee for the maximum possible sentence, the court shall convert the bond to a personal recognizance bond and release the defendant.
- Court dates may be rescheduled as is necessary and prudent. However, if you believe it will be necessary to cancel court for a period greater than two weeks, contact Court Administration to seek an order from the Chief Justice.
- To the extent possible and circumstances warrant, hearings that can be held by video may be held remotely. Telephonic hearings may be held remotely as a last resort.
- Counties/municipalities with orders in place whereby the Chief Magistrate may appoint magistrates to serve as municipal judges should do so as necessary if the current municipal judge(s) becomes unable to hold court.
- Employees should be cross-trained, especially on critical functions.
- If a magistrates court temporarily closes, there should be adequate signs posted directing persons to the nearest other magistrates court(s) within the county where filings and payments may be tendered. The court should include this information on its voicemail and website/social media if possible.
- The courts must maintain a 24-hour judge on-call schedule and provide it to jails and law enforcement. Amend the schedule as necessary.
- Summary court voir dire and jury trials should be held at the discretion of the presiding judge. Decisions to postpone jury trials or voir dire should be made after consultation with the summary court clerk, Chief Magistrate/Municipal Judge, and Court Administration.

The SCJB's Crisis Management Team will continue to monitor this situation and provide further communication as needed.