



Office of the Director of Police
The University of Texas System
TRAINING BULLETIN 029
Executive Order GA-29 Mandatory Face Coverings
August 21, 2020



I. Purpose

The purpose of this training bulletin is to provide University of System Police personnel an overview of the impact of Executive Order GA-29 (Mandatory Face Coverings).

II. Introduction

Executive Order GA 29, commonly known as the “Mask Order” mandates the wearing of a face covering (1) inside commercial or other buildings open to the public and (2) outdoors if it is not possible to maintain six feet of distance from others not in an individual’s household.

III. Definitions

“Criminal Trespass” occurs when a person enters or remains on the property of another without effective consent and the person either had notice (including oral or written communication by the owner or someone with apparent authority to act for the owner) that entry was forbidden or failed to depart after being notified to do so. Texas Penal Code §30.05.

Criminal trespass is generally a Class B misdemeanor, but can be a Class A misdemeanor if the person carries a deadly weapon during the commission of the offense.

“Household” means people living together in the same dwelling, regardless of whether they are related. This includes students who are roommates.

“Safe physical distance” as used below, means six feet of physical distance from others not in the person’s household.

IV. Where/when are face coverings required?

Face coverings are generally required throughout Texas for those in public spaces. Face coverings are not required in counties with low COVID-19 case counts where county judges opt out of the face-covering requirement. TDEM maintains a current list of these counties: <https://tdem.texas.gov/ga29/>

FACE COVERINGS ARE REQUIRED
<ul style="list-style-type: none">• Inside “a commercial entity or other building or space open to the public.” This will generally include buildings on our campuses. Although not explicitly stated, it should generally not be interpreted to cover students in their own dorm rooms.• Outside in outdoor public spaces if it is not feasible to maintain safe physical distance. This includes protests or demonstrations of more than 10 people.
FACE COVERINGS ARE NOT REQUIRED
<ul style="list-style-type: none">• Children under 10• If a medical condition or disability prevents the person from wearing a face covering• While eating or drinking, or seated at a restaurant for the purpose of eating or drinking (i.e. students who are studying but not eating would not meet this exception)• Swimming• Exercising outdoors if it is not feasible to maintain safe physical distance• Driving alone or with members of your household• Engaging in the voting process• Engaging in religious worship• While giving a speech for a broadcast or to an audience

V. Enforcement

A. You may not detain, arrest, or confine in jail any person for a violation of this executive order or for related non-violent, non-felony offenses predicated on a violation of this executive order. This means you will never detain someone simply because that person is not wearing a face covering. But you may also warn or cite someone for failure to wear a face covering if you detain that person for an unrelated violation.

Example: If you detain someone for public intoxication, you may also warn or cite that person for the violation of the Mask Order.

B. You must issue a verbal or written warning for a first-time violation. Further violations are punishable by a fine up to \$250.

C. You may enforce criminal trespass laws and remove violators. This appears to be the preferred scheme for enforcing the face-covering requirement. Before you can warn or cite someone for criminal trespass, it must be evident that the person either (1) entered the property without consent, or (2) has been directed to leave by someone with authority and has failed to do so.

- D. If there are signs or a policy stating that a face covering is required in a particular location, and a person enters that location without a face covering, that person likely entered the property without consent. Because the Mask Order limits PD authority to detain an individual, PD may want to wait until specifically called because the person has refused to leave despite having been directed to leave by a person with authority.
- E. Who has authority to direct someone to leave? In nearly all cases, this should be an institution employee and not a student or visitor. For example, if a professor asks a student to leave for refusal to wear a face covering, and the student refuses and causes a disruption, the professor may call PD.
- F. As noted in the order, individuals who are lawfully exercising their First Amendment rights are not exempt from the order if it otherwise applies (such as in an indoor space, or outdoors where it is not possible to maintain safe physical distance). Consequently, PD should follow the same practice with these individuals as with any other person who refuses to leave after being directed to for failure to wear a face covering.
- G. When responding to this or any criminal trespass situation, the involved officer retains his/her full range of authority and discretion in terms of how to respond.
- H. PDs should collaborate with their institutions to understand the institution's policy on face coverings and to coordinate the appropriate response for those who violate those policies. Institutions may prefer to handle student and employee matters through their own disciplinary policies, as opposed to asking PD to intervene.

VI. Relation to campus face covering policies

- A. Institutions will likely have their own face covering policies that require students, employees, and permitted visitors to wear face coverings. Thus, students and employees may be subject to discipline through institution policies in addition to possible criminal sanctions as authorized by Executive Order GA-29.

VII. Additional Resources/Reference Materials

Executive Order GA-29, available at:

<https://gov.texas.gov/news/post/governor-abbott-establishes-statewide-face-covering-requirement-issues-proclamation-to-limit-gatherings-2>

Link to additional Executive Orders related to COVID-19:

<https://lrl.texas.gov/legeLeaders/governors/displayDocs.cfm?govdoctypeID=5&governorID=45>



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