

2-2006

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE

IN THE CIRCUIT COURT

Chief Administrative Judge's Order

ORDER FOR NOTIFICATION OF PATIENT'S PRESENCE AND EXPECTED RELEASE TIME

2006 JUN 30 11:00 AM
CIRCUIT COURT
GREENVILLE COUNTY

This Order is issued in response to the State's request for authorization of summary court judges (both magistrates and municipal judges) to issue orders requiring the Greenville Hospital System and all other private or public medical and/or mental health facilities (hereafter facility/facilities) and their employees to inform the Greenville County Sheriff's Office (GCSO) and any other law enforcement agency in Greenville County (who currently have active arrest or bench warrants) if the person listed on the warrant is present within their facility. The State also requests that the facility inform the appropriate law enforcement agency of the expected time of a fugitive's release from the facility.

This Court finds that law enforcement has a duty to expeditiously serve arrest warrants. Further, the release of suspects who have pending warrants may obviously pose a danger and a threat to the public.

This Court acknowledges that the medical and mental health facilities are entitled to protect certain health care/ patient information under federal and state laws. However, under the circumstances the state's interest in promptly arresting those charged with committing crimes (often violent crimes) together with the attendant public safety concerns outweigh any potential interests of the facility/facilities in this matter.

This Court also finds that given the need for prompt action in obtaining orders to be served on facilities, and the fact that action may need to be taken during non-business hours, that it is desirable to make summary court judges available for such purposes. This Court also finds that summary court judges are typically available during non-business hours. Further, because a summary court judge is authorized to issue an arrest warrant, an order limited to executing that warrant is clearly justified and appropriate.

Nothing in this order requires a health care/mental health facility to furnish information to law enforcement other than the confirmation that the suspect is in the facility, and when the suspect is expected to be released.

Therefore, it is ordered:

1. A summary court judge (municipal judge or magistrate) within Greenville County has the authority to issue an

order requiring a medical or mental health facility to comply with law enforcement's request for the following information: 1) presence in their facility of an individual with an outstanding arrest/bench warrant, and 2) the expected time of release of the individual.

IT IS SO ORDERED!

D. Hamilton
Circuit Court Judge
Thirteenth Judicial Circuit

Date: June 29, 2006