

GREEN COUNTY DISTRICT ATTORNEY'S OFFICE

Green County Justice Center
2841 6th Street
Monroe, Wisconsin 53566
Phone: 608/328-9424

DISTRICT ATTORNEY
Craig R. Nolen

July 30, 2020

FOR IMMEDIATE RELEASE

On July 30, 2020, Governor Tony Evers issued Executive Order #82 declaring a second COVID-19 Public Health Emergency citing a second spike in infections throughout the State of Wisconsin. I, Craig R. Nolen, as Green County District Attorney, having reviewed Executive Order #82 and the preceding Executive Order #72, which was issued on March 12, 2020, and expired 60 days later, pursuant to Wis. Stat. § 323.10. It is my legal opinion that Executive Order #82 is an unlawful extension of Executive Order #72, based upon the plain language of the recitals in Executive Order #72. Executive Order #72 relates explicitly to COVID-19, whereas Executive Order #82 includes additional recitals, none of which in my legal opinion, reach the threshold of establishing authority for the Governor to issue Executive Order #82 without violating Wis. Stat. § 323.10.

In light of the foregoing, the Green County District Attorney's Office will not be enforcing Executive Order #82 or any Orders deriving their authority therefrom, including Emergency Order #1 entitled "Relating to preventing the spread of COVID-19 by requiring face coverings in certain situations", otherwise referred to as a "Mask Mandate". Therefore, my office will not be prosecuting any offenses for individuals not complying with the Mask Mandate.

My decision not to prosecute these offenses does not preclude municipalities from adopting similar ordinances, such as Emergency Order #1. The critical issue as it relates to Executive Order #82 is that the Order was issued without lawful authority. It is at times like these, that I call upon our legislature and local municipalities to make decisions based upon what fits the needs of each community best and that all residents of Green County and the State of Wisconsin consider the severity of the impacts of COVID-19 on people's individual health. I strongly encourage all residents of Green County to wear a mask, not because of governmental mandate, but rather as the sensible thing to do to help stop the spread of a serious virus that has precipitated the deaths of over 100,000 Americans. Green County has responded well to the Mask Up Green County program spearheaded by the Green County Public Health Department. I remind all people of Green County to be kind, be courteous, and be safe.

###