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As many of you likely recall, I issued a press release May, 2020 stating that the Lycoming County District Attorney's Office would not prosecute any small business or business owner that chose to violate Governor Wolf's re-opening restrictions. Since that time this Office has also made clear that it will not prosecute an individual for her or his failure to wear a mask, despite any mandate to the contrary.


Beginning Tuesday of this week my Office has received countless telephone calls from concerned parents inquiring about this Office's position with respect to prosecution of the Secretary of Health's Order requiring all school aged children to wear masks. Please rest assured that the Lycoming County District Attorney's Office will not prosecute a parent or juvenile for her or his refusal to wear a mask at school. The Department of Health's Order of August 31, 2021 is ambiguous with respect to enforcement. The decision whether to mask any child in school is best made between the parent and members of the school's administration and not the Governor, law enforcement or the District Attorney's Office.

Please understand, however, that this Office's decision to not prosecute for failure to adhere to the mask mandate does not disrupt the school's ability to render administrative sanctions such as detention, suspension and/or expulsion. This Office has no control over the administrative consequences that some schools may choose to apply.

Please also understand that despite this Office's decision to not prosecute for failure to adhere to the mask mandate, this decision does not excuse children and parents from maintaining her or his composure when confronted about her or his failure to wear a mask. In other words, do not let your personal feelings about this topic manifest to the point where you become verbally or physically aggressive toward the individual requesting that you wear a mask as this conduct may trigger law enforcement's involvement and end with one or more persons cited or charged with Disorderly Conduct or other applicable criminal offenses.

This mandate is a struggle for all parties on countless levels. Law enforcement, school administrators, students and teachers must try to collectively work together to relieve this County's most cherished asset of the burden placed upon them as a result of the abrupt imposition of the masking Order.

Respectfully,



Ryan C. Gardner
District Attorney