

JUL 26 2016

V. Magana

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

ORDER NO. 2016-4

GENERAL ORDER RE: EXPRESSIVE
ACTIVITY

NOTICE TO ALL PERSONS ENTERING COUTHOUSES IN RIVERSIDE COUNTY

The purpose this General Order is to ensure the safe and orderly use of court facilities; to minimize activities which unreasonably disrupt, interrupt, or interfere with the orderly and peaceable conduct of court business in a neutral forum free of actual or perceived partiality, bias, prejudice, or favoritism; to provide for the fair and orderly conduct of hearings and trials; to promote the free flow of pedestrian and vehicular traffic on sidewalks and streets around court facilities; and to maintain proper judicial decorum.

The further purpose of this General Order is to facilitate safe, peaceful, and orderly public access to courthouses unhindered by threats, confrontation, interference, noise pollution or harassment that may be directed at court users including but not limited to those court users waiting in line outside a courthouse.

1 This General Order regulates only conduct occurring in and around court facilities
2 without regard to the content of any particular message, idea or form of speech. The
3 Court does not intend to ban all expressive activities from the environs surrounding
4 court facilities and intends that this General Order be construed so as to provide for
5 ample alternative channels for communication of information near but not within court
6 facilities nor on courthouse grounds. (See Comfort v. McLaughlin (C.D. Cal. 2006) 473
7 F.Supp.2d 1026.)

8 **THE COURT HEREBY ORDERS:**

9 I. DEFINITIONS

10 A. The following definitions apply for purposes of this General Order:

11 1. "Prohibited Activity" shall mean the acts of demonstrating,
12 picketing, parading, proselytizing or preaching, distributing literature or other materials
13 to the general public, soliciting sales or donations, conducting sales, including trustee
14 foreclosure sales, engaging in commercial activity unless otherwise authorized by this
15 Order of the Court, or engaging in oral or demonstrative protest, education or
16 counseling.

17 2. "Walkway" shall mean (a) the area of any corridor or sidewalk, or
18 other path of pedestrian movement, directly from the edge of the public sidewalk
19 nearest an entrance to any building containing a courtroom to the entrance; (b) the area
20 of any corridor or sidewalk leading directly from any parking lot within a curtilage to an
21 entrance to any building containing a courtroom; or (c) a corridor or passageway within
22 a multi-purpose, commercial, or private building that leads directly to the part of the
23 building containing a courtroom.

24 3. "Curtilage" shall mean the area between any building containing a
25 courtroom and the nearest edge of the public sidewalk surrounding the building. It shall
26 not include the area adjacent to the portion of a multi-purpose, commercial or private
27 building that does not contain a courtroom.

1 4. “Courthouse” shall mean any building containing at least one
2 courtroom. It shall also include that portion of a multi-purpose, commercial or private
3 building that contains at least one courtroom.

4 II. PROHIBITIONS

5 A. No person shall engage in any prohibited activity within a courthouse.

6 B. No person shall engage in any prohibited activity within the curtilage of a
7 courthouse.

8 C. No person shall obstruct, harass, impede or interfere with persons
9 entering or leaving a courthouse, or with persons waiting in line to enter a courthouse.

10 D. No person shall approach another person waiting in line to enter a
11 courthouse, within 8 feet of such person, for the purpose of engaging in any prohibited
12 activity, unless such other person consents.

13 E. No person shall engage in any prohibited activity in or near a courthouse
14 with the intent to interfere with, obstruct, or impede the administration or justice or with
15 the intent to influence any judge, juror, witness, or officer of the court in the discharge of
16 his or her duty.

17 F. No person shall use amplification equipment to engage in prohibited
18 activity in a manner that harasses or interferes with persons entering or leaving a
19 courthouse, or with persons waiting in line to enter a courthouse.

20 III. EXCLUSIONS

21 This Order shall not apply to authorized court personnel or law enforcement
22 officers in the performance of their official duties.

23 Section II(A), and (B) shall not apply to individuals engaged in the stationary
24 solicitation of sales as part of any commercial, primarily non-expressive activity
25 (including but not limited to the sale of newspapers, reading materials, sundries or food
26 stuffs) in a specific space not dedicated to court functions and expressly authorized by a
27 written space permit, license, agreement, or lease from the Court, the County of
28

1 Riverside, the Judicial Council of California, or other owner of a building containing a
2 courtroom.

3 IV. SEVERABILITY

4 If any provision of this General Order be held invalid, the validity of the other
5 provisions of this General Order shall not be affected.

6 V. DELEGATION

7 The purpose of this General Order is stated in its preamble: to ensure the
8 safe and orderly use of court facilities; to minimize activities which unreasonably disrupt,
9 interrupt, or interfere with the orderly and peaceable conduct of court business in a
10 neutral forum free of actual or perceived partiality, bias, prejudice, or favoritism; to
11 provide for the fair and orderly conduct of hearing and trials; to promote the free flow of
12 pedestrian and vehicular traffic on sidewalks and streets around court facilities; to
13 maintain proper judicial decorum; and to facilitate safe, peaceful, and orderly public
14 access to courthouses unhindered by threats, confrontations, noise pollution or
15 harassment directed at court users. To the extent the terms of this General Order do
16 not accomplish this stated purpose at a courthouse, on written delegation by the
17 Presiding Judge, the Supervising Judge responsible for that courthouse is hereby
18 authorized to issue an Order to accomplish the stated purpose of this General Order.

19 VI. COMPLIANCE WITH LAW ENFORCEMENT

20 While on or in the premises of any courthouse, all persons are ordered to comply
21 with the lawful requests, directions and orders of any law enforcement officers and their
22 agents in the performance of their duties.

23 VII. NOTICE

24 This Order shall be posted on the court's website at www.riverside.courts.ca.gov.
25 The Sheriff of Riverside County and his or her deputies and their agents are directed to
26 serve a copy of this General Order on any person who appears to be in violation
27 thereof, to advise the person of the apparent violation, and, if the apparent violation
28 continues after such notice, to immediately notify the Presiding Judge or Supervising

1 Judge responsible for that courthouse so that the Court can determine whether
2 proceedings should be initiated to insure compliance with this General Order. This
3 Order shall not preclude any law enforcement officer from taking appropriate steps to
4 ensure the orderly and peaceable conduct of court business at a courthouse.

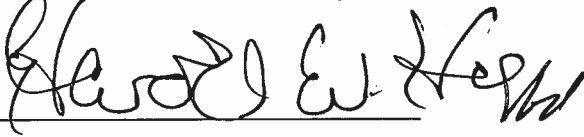
5 **VIII. PENALTIES**

6 Violation of this Order may result in the imposition of a fine of up to \$1,000 per
7 violation pursuant to Code of Civil Procedure section 1209(a)(5), and/or prosecution for
8 criminal violations.

9 **IX. EFFECT OF PRIOR ORDERS**

10 Effective July 20, 2016 this Order shall replace and supersede this Court's
11 January 15, 2014 General Order Re: Expressive Activity.

12
13 IT IS SO ORDERED, on July 20⁶, 2016.

14 
15

16 Presiding Judge
17
18
19
20
21
22
23
24
25
26
27
28