

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF KINGS 8816 AUG 16 AM 9:23

JEFFREY A. LEWIS
CLERK OF COURT
KINGS COUNTY
SUPERIOR COURT, CA

Order No. 2016-094
Nancy Rizo DEPUTY

**GENERAL ORDER RE: EXPRESSIVE
ACTIVITY**

NOTICE TO ALL PERSONS ENTERING COURTHOUSES IN KINGS COUNTY

It is the purpose and intent of the Court in issuing this General Order 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 Court further issues this General Order 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.

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

WHEREFORE, Court hereby orders:

1 I. Demonstrations, Distributions, Solicitation and Other Expressive Activity

2 A. The following definitions apply to this Section.

3 1. "Prohibited Activity" shall mean the acts of demonstrating, picketing,
4 parading, proselytizing or preaching, distributing literature or other materials to the general
5 public, soliciting sales or donations, engaging in commercial activity unless otherwise
6 authorized by this Order or the Court, or engaging in oral or demonstrative protest,
7 education or counseling.

8 2. "Walkway" shall mean (a) the area of any corridor or sidewalk, or
9 other path of pedestrian movement, directly from the edge of the public sidewalk nearest
10 an entrance to any building containing a courtroom to that entrance; (b) the area of any
11 corridor or sidewalk leading directly from any parking lot within a curtilage to an entrance
12 to any building containing a courtroom; or (c) a corridor or passageway within a multi-
13 purpose, commercial, or private building that leads directly to the part of the building
14 containing a courtroom.

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

19 4. "Courthouse" shall mean any building containing at least one
20 courtroom. It shall also include that portion of a multi-purpose, commercial or private
21 building that contains at least one courtroom.

22 B. Prohibitions

23 1. No person shall engage in any prohibited activity within a courthouse.

24 2. No person shall engage in any prohibited activity within the curtilage of
25 a courthouse.

26 3. No person shall engage in any prohibited activity within 25 feet from
27 either side of, or in front of, the intersection of a walkway and the public sidewalk; or within
28 25 feet from either side of, or in front of, a doorway to a courthouse.

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

1 5. No person shall approach another person waiting in line to enter a
2 courthouse, within 8 feet of such person, unless such other person consents, for the
3 purpose of engaging in any prohibited activity.

4 6. No person shall engage in any prohibited activity in or near a
5 courthouse with the intent to interfere with, obstruct, or impede the administration of justice
6 or with the intent to influence any judge, juror, witness, or officer of the court in the
7 discharge of his or her duty.

8 7. No person shall use amplification equipment to engage in prohibited
9 activity in a manner that harasses or interferes with persons entering or leaving a
10 courthouse, or with persons waiting in line to enter a courthouse.

11 C. Exclusions

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

14 2. Sections I(B)(1), (2), and (3) shall not apply to individuals engaged in
15 the stationary solicitation of sales as part of any commercial, primarily non-expressive
16 activity (including but not limited to the sale of newspapers, reading materials, sundries or
17 food stuffs) that is expressly authorized by a written space permit, license, agreement, or
18 lease from the County of Kings, Kings County Superior Court, State of California, Judicial
19 Council of California, or other owner of a building containing a courtroom authorizing that
20 activity in a specific space not dedicated to court functions.

21 D. Severability Clause

22 If any provision of this Order or the application thereof to any person or
23 circumstances is held invalid, the validity of the remainder of the Order and the application
24 of such provision to other persons and circumstances shall not be affected thereby.

25 E. Delegation

26 The purpose of this Order is stated in its preamble: to ensure the safe and
27 orderly use of court facilities; to minimize activities which unreasonably disrupt, interrupt,
28 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; to maintain proper judicial

1 decorum; and to facilitate safe, peaceful, and orderly public access to courthouses
2 unhindered by threats, confrontations, noise pollution or harassment directed at court
3 users. To the extent the terms of this Order do not accomplish this stated purpose at a
4 courthouse, on written delegation by the Presiding Judge, the Supervising Judge
5 responsible for that courthouse is hereby authorized to issue an Order to accomplish the
6 stated purpose of this Order.

7 II. Compliance with Law Enforcement. While on or in the premises of any courthouse,
8 all persons are ordered to comply with the lawful requests, directions and orders of any
9 law enforcement officers and their agents in the performance of their duties.

10 III. Posting and Service of Order. This Order shall be posted at each public entrance
11 to a courthouse; and at such other places that will reasonably provide notice of this Order
12 to persons entering such courthouse. The Sheriff of Kings County and his or her deputies
13 and their agents are directed to serve a copy of this Order personally on any person who
14 appears to be in violation thereof, to advise such person of the apparent violation, and, if
15 the apparent violation continues after such notice, to immediately notify the Presiding
16 Judge or Supervising Judge responsible for that courthouse so that the Court can
17 determine whether proceedings should be initiated to insure compliance with this Order.
18 This Order shall not preclude any law enforcement officer from taking appropriate steps to
19 ensure the orderly and peaceable conduct of court business at a courthouse.

20 IV. Penalties. Violation of this Order may result in the imposition of sanctions in
21 amounts of up to \$1,500 per violation pursuant to Code of Civil Procedure section 177.5
22 and/or prosecution for criminal violations.

23 **IT IS SO ORDERED,** on 8-15, 2016

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25 STEVEN D. BARNES,
26 Presiding Judge
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