

FILED
Clerk of the Superior Court

DEC 28 2022

By: A. Cabrales

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

**IN RE PROHIBITED EXPRESSIVE
ACTIVITY IN AND AROUND
COURTHOUSE FACILITIES**

**GENERAL ORDER OF THE
PRESIDING DEPARTMENT**

ORDER NO. 010123-25

THE COURT FINDS AS FOLLOWS:

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; 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, excessive noise, or harassment that may be directed at court users.

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

1 for ample alternative channels for communication of information near but not within court facilities
2 or on court property. (See *Comfort v. MacLaughlin* (C.D. Cal. 2006) 473 F.Supp.2d 1026.)

3 IT IS HEREBY ORDERED that:

4 I. DEMONSTRATIONS, DISTRIBUTIONS, SOLICITATION AND OTHER EXPRESSIVE
5 ACTIVITY

6 A. The following definitions apply to this order:

7 1. "Prohibited Activity" shall mean the acts of demonstrating, picketing, parading,
8 proselytizing, or preaching; distributing literature or other materials to the general public;
9 engaging in oral or demonstrative protest (including the display of written slogans or
10 placards), education, or counseling; soliciting sales, services, or donations, conducting sales,
11 and engaging in commercial activity unless otherwise authorized by this order or the court.

12 2. "Courthouse" shall mean any building containing at least one San Diego Superior Court
13 courtroom. It shall also include that portion of a multi-purpose, commercial, or private
14 building that contains at least one courtroom.

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

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

24 B. Prohibitions

- 25 1. No person shall engage in any prohibited activity within a courthouse.
26 2. No person shall engage in any prohibited activity within the curtilage of a courthouse.
27 3. No person shall obstruct, harass, impede, or interfere with persons entering or leaving a
28 courthouse.

1 4. No person shall engage in any prohibited activity in or near a courthouse with the intent
2 to interfere with, obstruct, or impede the administration of justice or with the intent to
3 influence any judge, juror, witness, or officer of the court in the discharge of their duty. (See
4 Pen. Code, § 169.)

5 5. No person shall engage in prohibited activity which, in the judgment of the San Diego
6 County Sheriff, creates a security risk to persons in or around a courthouse.

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

10 C. Exclusions

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

13 2. Sections (B)(1) and (2) of this order shall not apply to persons engaged in the stationary
14 solicitation of sales as part of any commercial, primarily non-expressive activity (including
15 but not limited to the sale of reading materials, sundries, or food stuffs) expressly authorized
16 by a written use permit, license, or agreement from the court, the Judicial Council of
17 California, or other owner of a building containing a courtroom.

18 D. Severability Clause

19 If any provision of this order or the application thereof to any person or circumstances is held
20 invalid, the validity of the remainder of the order and the application of such provision to
21 other persons and circumstances shall not be affected thereby.

22 II. COMPLIANCE WITH LAW ENFORCEMENT. All persons are ordered to comply with the
23 lawful requests, directions, and orders of law enforcement officers and their agents in the
24 performance of their duties pursuant to this order. Nothing in this order is intended to nor
25 shall diminish the legal and lawful authority of the Sheriff as a peace officer.

26 III. POSTING AND ENFORCEMENT OF ORDER. This order shall be posted at each public
27 entrance to a courthouse and on the court's website. The Sheriff of San Diego County and
28 his or her deputies and their agents are directed to enforce this order against any person who

1 appears to be in violation thereof by taking appropriate steps to ensure the orderly and
2 peaceable conduct of court business, subject to the direction of the courtroom judge when
3 prohibited activities occur within a courtroom, or the Presiding Judge or site supervising
4 judge when prohibited Activities occur outside a courtroom.


5 IV. PENALTIES. Violation of this order may result in removal of individuals from the
6 courthouse and/or from the areas surrounding a courthouse addressed by this order, where
7 necessary and appropriate; the imposition of sanctions in amounts of up to \$1,500 per
8 violation pursuant to Code of Civil Procedure section 177.5; and/or prosecution for criminal
9 violations.

10 This order shall become effective on January 1, 2023, and expire on December 31, 2023,
11 unless otherwise ordered by this court.

12 Service of this order is ordered on the San Diego County Sheriff's Department.

13 IT IS SO ORDERED.

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15 DATED: December 28, 2022


16 HONORABLE MICHAEL T. SMYTH
17 PRESIDING JUDGE
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