Superior Court of California, County of Nevada

General Order Re: Expressive Activity

Notice to All Persons Entering Courthouses in Nevada County

PREAMBLE

Facilities of the Superior Court of California, County of Nevada ("Superior Court") are not open for use by the public as places for expressive activities, and are not "public forums" for this reason. Accordingly, the Superior Court issues this General Order to: (a) ensure that court facilities and grounds remain nonpublic forums dedicated to the impartial and efficient administration of justice under the law; (b) promote the safe and orderly use of court facilities; (c) facilitate unobstructed ingress and egress to court facilities; and (d) ensure that those who are compelled to wait in line on pathways and sidewalks before entering to transact business within court facilities may do so free from threats, confrontation, interference, noise pollution or harassment.

This General Order establishes reasonable time, place, and manner restrictions on expressive activities occurring within court facilities and grounds without regard to speaker identity or the viewpoint expressed in any particular message. The Superior 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 Ward v. Rock Against Racism*, 491 U.S. 781 (1989); *Comfort v. MacLaughlin*, 473 F.Supp.2d 1026 (C.D. Cal. 2006)).

ORDER

Accordingly, the Superior Court hereby orders as follows:

I. Demonstrations and Other Expressive Activity.

A. No person shall Demonstrate, Solicit or Distribute Literature within any Courthouse.

1. The term "Courthouse" shall include: (a) the Nevada City courthouse located at 201 Church Street, Nevada City, California 95959; (b) the Truckee Branch of the Nevada County Superior Court located at 10075 Levon Avenue, Suite 301, Truckee, CA 96161; (c) physical spaces, including planters, gardens, lawns, walkways and benches, between the Nevada City or Truckee court facilities and the nearest public sidewalk or parking lot; (d) designated courthouse parking spaces and parking lots adjacent to these facilities; and (e) external stairways or accessible ramps for individuals with disabilities that lead directly to a doorway of either facility. The term "Courthouse" does not include public streets or public sidewalks.

2. The term "Demonstrate" shall include the acts of demonstrating, picketing, speechmaking, proselytizing or preaching, marching, holding vigils or religious services and all other like forms of conduct that involve the communication or expression of views or grievances, engaged in by one or more persons.

3. The term "Solicit" shall include verbal and written requests by one or more persons for property, financial assistance, donations, signatures on petitions or other documents and all other like forms of conduct.

4. The term "Distribute Literature" shall include distribution or attempted distribution, without charge or compensation, of leaflets, handbills and other written or printed material to any person.

B. No person shall Demonstrate, Solicit or Distribute Literature outside any Courthouse and within 25 feet from either side of, or in front of, any Courthouse doorway.

C. No person shall approach another person waiting in line to enter a courthouse, within 8 feet of such person, unless such other person consents, for the purpose of engaging in any prohibited activity. No person shall Demonstrate, Solicit or Distribute Literature outside any Courthouse in a manner that destroys or harms Superior Court property, or that harasses, impedes, or interferes with persons entering or leaving a Courthouse.

D. No person shall use amplification equipment or make any noise or diversion that disturbs, interferes with, obstructs or impedes the administration of justice, or that harasses, interferes with, obstructs or impedes persons entering or leaving a Courthouse.

II. Exclusions.

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

B. This Order shall not affect the rights and responsibilities of the Superior Court or its employees as provided in the Trial Court Employment Protection and Governance Act, Government Code section 71600 *et seq.*

C. This Order shall not be interpreted to apply to persons who Demonstrate, Solicit or Distribute Literature on public sidewalks or other property located on the opposite side of a public street from any Courthouse.

III. Severability.

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

IV. Posting and Service of Order.

A. This Order shall be posted at each public entrance to a courthouse, and at such other places that will reasonably provide notice of this Order to persons entering such courthouse. The

Sheriff and Deputy Sheriffs of Nevada County and their agents are directed to: personally serve a copy of this Order on any person who appears to be in violation of any of its provisions; advise such person of the apparent violation and the steps that must be taken to bring that person into compliance; and, if the apparent violation continues after such notice, immediately notify the Presiding Judge or any Judge assigned to that Courthouse so that the Court can determine whether proceedings should be initiated to ensure compliance with this Order.

B. This Order shall not preclude any law enforcement officer from immediately taking appropriate steps to ensure the orderly and peaceable conduct of court business at a courthouse and compliance with the terms of this Order.

V. Penalties.

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

VI. Supersession.

This order supersedes General Order 2011-001.

IT IS SO ORDERED, this 15th day of August, 2014.

Presiding Judge