

# **POLICY FOR USE OF PORTABLE ELECTRONIC DEVICES IN THE HENRY COUNTY COURTHOUSE**

## **I. Definitions of “Portable Electronic Device” and “visitor to the court”**

The term “Portable Electronic Device” is defined to include personal laptops, tablets, mobile telephones (including cell phones and any form of telephone with cameras, audio and video recording and transmission capabilities), electronic calendars, electronic book readers, smart watches, and any other electronic personal communication device. “Portable electronic device” does not include cameras, video cameras, video or audio recording equipment, or a recording device that is not otherwise a component of a portable electronic device.

The term “visitor to the court” means a member of the public who is not an active or retired judge, a magistrate, an attorney-at-law who possesses and presents a valid state bar identification card, a law-enforcement officer as defined in § 9.1-101 or court security officer, a probation officer who possesses and presents proper credentials and who is at the courthouse in the conduct of his/her official duties, a state or local agency employee who possesses and presents proper credentials and who is at the courthouse in the conduct of his/her official duties, a court reporter during the course of his/her official duties within the courthouse, and any other individual who has been authorized to possess a portable electronic device in the court upon a determination by the sheriff of the city or county in which the court sits that such individual's possession of a portable electronic device does not pose a security risk or threat and that access to such portable electronic device is necessary for conducting such individual's work or business in the court.

## **II. Possession and Use of Portable Electronic Devices**

Visitors to the court are allowed to possess Portable Electronic Devices in the Henry County Courthouse subject to security screening, including courthouse screening devices, and the following rules:

- a. All Portable Electronic Devices must be turned off upon entering the Henry County Courthouse and must remain off unless specific permission is granted by the Judge, Clerk, Commonwealth Attorney, Court Service Unit or Bailiff to turn on and use such device while in the area directly under the control of such person.
- b. All Portable Electronic Devices must remain concealed in pockets, clothing, or bags while in the Henry County Courthouse.
- c. **Using Portable Electronic Devices to take photographs, make audio or video recordings, or to transmit live audio or video streaming is prohibited in all areas of the Henry County Courthouse, except with prior written authorization by a judge of the Circuit or District Court.**
- d. Other Electronic Devices: Cameras, video cameras, video recording equipment and recording devices (“other electronic devices”) not classified as Portable Electronic Devices are not allowed in the courthouse except for use at events such as investitures, ceremonies, and weddings. Other electronic devices may be allowed in the courthouse with prior written authorization by a judge of the Circuit or District Court.

### **III. Medical Device Exception**

The term “medical electronic device” shall include but is not limited to portable electronic devices that aid hearing or one of the other senses, measure blood sugar or blood pressure, provide medication, or express breast milk. The possession and use of any electronic device that serves a medical purpose (“medical electronic device”) will be permitted as needed, and pursuant to the following:

- a. A smart watch or fitness tracker will not be considered a medical electronic device solely because it is used to monitor or track general fitness and health data.
- b. Smart glasses with prescription lenses may be worn provided that the electronic device remains powered off and is not accompanied by any other electronic devices except as otherwise provided herein. If the electronic function of the glasses is related to aiding sight, the device may remain powered on but must not be accompanied by any other electronic devices except as otherwise provided herein.
- c. If a medical electronic device is necessary to monitor, control or assist with necessary bodily functions or processes, the visitor to the courthouse requiring a medical electronic device for such use shall inform courthouse security of such need and request permission to leave the medical electronic device turned on. Such device may remain turned on while in the courthouse but must remain concealed as much as possible without diminishing its usefulness.

### **IV. Violations and Punishment**

Any person using a Portable Electronic Device in violation of this or any other court order or policy may be removed from the courthouse, found in contempt of court, and subject to penalties as provided by law. Any Portable Electronic Device used in violation of this, or any other court order or policy may be confiscated. A person, office, or agency confiscating a portable electronic device shall not be responsible or liable for any damage to or loss of a confiscated portable electronic device.

### **V. Further Limitations by Judges**

A judge may further limit or ban the possession or use of any Portable Electronic Device:

- (1) pursuant to Virginia Code § 19.2-266 (to regulate media coverage of judicial proceedings):
- (2) if use of the Portable Electronic Device may or does interfere with the administration of justice or causes any threat to safety, security, proper behavior, or order.

### **VI. Posting Notice of this Policy**

This policy regarding the possession and use of Portable Electronic Devices shall be posted on the court’s home page on the Virginia Judicial System website; on the court’s local website (if any); and at the courthouse entrance.