

VIRGINIA:

IN THE TENTH JUDICIAL CIRCUIT

ORDER RELATING TO PORTABLE ELECTRONIC DEVICES

Pursuant to §16.1-69.35:4 and §17.1-128.2 of the Code of Virginia (1950) as amended, it is ORDERED that all courts in the Tenth Judicial Circuit adopt the following Portable Electronic Device Policy.

1. PURPOSE.

a. To maintain courthouse security, decorum, and the orderly administration of justice within the courthouse and courtrooms, while ensuring reasonable access to the courts and compliance with Virginia law governing portable electronic devices as well as protecting all who enter the courtroom for any reason as well as respecting and protecting their rights.

b. This policy applies solely to visitors to the court and shall not infringe upon the right of the Sheriff to enforce any policy for persons not defined as visitors to the court under Virginia law governing portable electronic devices.

2. DEFINITIONS. For purposes of this policy, the following definitions will apply.

a. "Portable electronic device" means (i) a personal laptop; (ii) a tablet; (iii) a mobile telephone, including a cell phone and any telephone with a camera, audio and video recording capabilities, and transmission capabilities; (iv) an electronic calendar; (v) an electronic book reader; (vi) a smart watch; or (vii) any other electronic personal communication device. "Portable electronic device" does not include a camera, a video camera, video or audio recording equipment, or a recording device that is not otherwise a component of a portable electronic device.

b. "Visitors 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 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 official duties, a court reporter during the course of his 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.

3. POSSESSION OF PORTABLE ELECTRONIC DEVICES: Visitors to the court may bring a portable electronic device into the courthouse only when it is powered off and surrendered to security for storage at the security screening checkpoint.

4. DEVICES FOR PRESENTING EVIDENCE OR AS OTHERWISE PERMITTED BY LAW: A visitor to the court who intends to present evidence contained on a portable electronic device or whose portable electronic device is otherwise permitted by law shall inform security at the screening checkpoint that the portable electronic device will be used accordingly. Visitors to the court shall be permitted to retrieve their surrendered portable electronic device at the discretion and direction of the presiding judge. This policy may be implemented by the use of lockers, secure pouches, or other means suitable to the particular jurisdiction and court considering its abilities and needs to effectively comply with its policy.

5. RESTRICTIONS.

a. A retrieved portable electronic device shall be immediately brought into the courtroom and shall remain powered off and under the control of the bailiff until needed for its permitted reason.

b. Once in the courtroom, the portable electronic devices shall be powered off until such time as they are needed for its permitted reason.

c. Assuming the portable electronic device has not been made an exhibit, when the portable electronic device is no longer needed as evidence, it shall be returned to and held by the courtroom bailiff until the conclusion of the hearing, at which time the device shall be re-surrendered to security for storage or removed from the courthouse by the visitor to the court.

d. Retrieved portable electronic devices shall not be used for any purpose other than its permitted reason. Photographs, audio recordings unless otherwise permitted by law, video recordings, livestreaming and/or transmitting audio or video is strictly prohibited.

e. A judge or other authorized officer may prohibit or further restrict the use of any portable electronic device as needed to maintain safety, security, proper behavior, order, and the administration of justice. The chief judges of the General District Court and the Juvenile & Domestic Relations District Court may enter orders establishing conditions governing such devices in their respective courts pursuant to Virginia Code Section 16.1-69.35:4. If no such order is entered, this order shall apply.

6. VIOLATIONS: Persons violating this Order may be found in contempt of court and subject to penalties as provided by law. Any portable electronic device or other device used or possessed in violation of this Order or related order or policy may be confiscated. The court and the

Sheriff's Office shall not be liable for damage to, or loss of devices stored or confiscated pursuant to this policy.

7. POSTING AND PUBLICATION: This policy shall be posted at each public entrance to the courthouse and on the court's website. Each Circuit Court Clerk shall transmit this policy to the General District Court, the Juvenile & Domestic relations District Court, and the Sheriff in their jurisdiction.
8. COURT REPORTERS. Licensed court reporters retained by the Court or one of the parties to create an unofficial record of the proceedings may bring audio recording equipment into the courthouse for use in their official duties and may audio record the proceedings for which they are tasked to create an official transcript.
9. MEDIA REGULATION. Nothing in this order limits a Court's authority pursuant to Virginia Code §19.2-266 to regulate media coverage of judicial proceedings.
10. AMERICANS WITH DISABILITIES ACT. Notwithstanding any general prohibition on personal electronic devices in the courtroom, an individual may possess a personal electronic device when, in accordance with the Americans with Disabilities Act, the device is medically necessary for the individual's personal health or medical needs. The device must remain silenced and may be used only for its medically necessary purpose. Possession under this exception does not authorize photography, audio or video recording, use unrelated to the medical need, or any other use prohibited by the Court.
11. EFFECTIVE DATE OF POLICY:
 - a. Except as provided pursuant to Code §15.2-1643, the judges recognize there is no constitutional or statutory authority for the judiciary to direct expenditure of funds by local government bodies or the Sheriff for policy compliance equipment.
 - b. This policy should not be interpreted as an Order of the Court to expend funds to renovate the courthouse or purchase the equipment necessary to comply with this policy.
 - c. Therefore, this policy shall not become effective until the local governing body has allocated the funds necessary for compliance.
 - d. Until that time, the Sheriff, as the chief security officer for the courthouse, may continue to enforce the Sheriff's policy governing portable electronic devices in the courthouse. However, the Sheriff shall not have any policy that prohibits a visitor to the courthouse from bringing a portable electronic device into the courthouse for the purpose of presenting evidence that is contained on the electronic device as evidence in a court hearing.

ENTERED this ~~30th~~ day of June, 2026.

A handwritten signature in black ink, appearing to read 'D. Blessing', written over a horizontal line.

The Honorable Donald C. Blessing, Chief Judge of the Tenth
Judicial Circuit Courts