

# 2026 SESSION

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**HOUSE BILL NO. 872**

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend the Code of Virginia by adding sections numbered 16.1-69.35:4 and 17.1-128.2, relating to possession of portable electronic device in district or circuit court.

Patron—Cousins

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 16.1-69.35:4 and 17.1-128.2 as follows:

§ 16.1-69.35:4. Possession of portable electronic device in district courts.

A. As used in this section:

"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, video camera, video or audio recording equipment, or a recording device that is not otherwise a component of a portable electronic device.

"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 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.

B. The chief judge of every district court shall set a policy for possession of portable electronic devices by visitors to the court. If such policy prohibits or restricts the possession of portable electronic devices in the courtroom of the district court, the chief judge shall also include in such policy provisions to ensure that any portable electronic device brought by a visitor to the court for the purposes of presenting evidence be made available for use by such visitor to the court during a proceeding. When setting such policy, the chief judge shall consult with the sheriff of the city or county in which the courthouse is located. Such sheriff shall be responsible for advising and training all appropriate personnel on such policy.

C. If possession of portable electronic devices is prohibited or restricted in the courthouse or courtroom, storage for such portable electronic devices, such as storage lockers or other forms of onsite storage, shall be provided at no cost to visitors to the court.

D. The chief judge of the district court may allow possession of portable electronic devices by visitors to the court and may condition such possession of portable electronic devices on certain limitations, including (i) requiring a security screening of the portable electronic device upon entrance to the courthouse; (ii) restricting the use of the electronic portable device only in a specific area or areas of the courthouse, including the lobby, hallways, or other designated areas within the courthouse; (iii) restricting the use of mobile telephones, including designating certain areas of the courthouse where phone conversations may be had; (iv) requiring that all portable electronic devices remain on silent mode at all times; or (v) any other conditions as needed to maintain safety, security, proper behavior, order, and the administration of justice. If the portable electronic device policy allows possession of such portable electronic devices, the provisions requiring the district court to provide storage in accordance with subsection C shall not apply.

E. The chief judge of a district court may allow possession of a portable electronic device by a visitor to the court in the courtroom, provided that such portable electronic device remains on silent mode at all times. A visitor to the court may, with the express permission of the presiding judge, use a portable electronic device to (i) present evidence or other information or (ii) conduct research related to the proceeding.

F. The policy of each district court set in accordance with this section shall be posted in an accessible, prominent, and conspicuous manner at the entrance of the district court and on (i) the individual district court page on the Virginia Judicial System website or equivalent website where statewide courthouse information is aggregated; (ii) a court's individual website; or (iii) if the court does not have an individual

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59 website, an equivalent local government website where such district court's information is communicated to  
60 the public. Such posting shall include any prohibition, restriction, condition, and limitation on possession  
61 and use of any portable electronic device by visitors to the court, and, if such policy prohibits possession of  
62 such portable electronic device by a visitor to the court, the process for ensuring that evidence from such  
63 portable electronic device may be presented in a courtroom.

64 G. Any portable electronic device used in violation of a district court's policy or related court order may  
65 be confiscated and the court or sheriff's department responsible for providing court security shall not be  
66 liable for any damage to or loss of such confiscated portable electronic device.

67 H. Any use of a portable electronic device in the courthouse or courtrooms to take photographs, make  
68 audio or video recordings, or to transmit live audio or video streaming shall be prohibited except with prior  
69 written authorization by a judge of the district court.

70 **§ 17.1-128.2. Possession of portable electronic device in circuit courts.**

71 A. As used in this section, "portable electronic device" and "visitor to the court" mean the same as defined  
72 in § 16.1-69.35:4.

73 B. The chief judge of every circuit court shall set a policy for possession of portable electronic devices by  
74 visitors to the court. If such policy prohibits or restricts the possession of portable electronic devices in the  
75 courtroom of the circuit court, the chief judge shall also include in such policy provisions to ensure that any  
76 portable electronic device brought by a visitor to the court for the purposes of presenting evidence be made  
77 available for use by such visitor to the court during a proceeding. When setting such policy, the chief judge  
78 shall consult with the sheriff of the city or county in which the courthouse is located. Such sheriff shall be  
79 responsible for advising and training all appropriate personnel on such policy.

80 C. If possession of portable electronic devices is prohibited or restricted in the courthouse or courtroom,  
81 storage for such portable electronic devices, such as storage lockers or other forms of onsite storage, shall be  
82 provided at no cost to visitors to the court.

83 D. The chief judge of the circuit court may allow possession of portable electronic devices by visitors to  
84 the court and may condition such possession of portable electronic devices on certain limitations, including  
85 (i) requiring a security screening of the portable electronic device upon entrance to the courthouse; (ii) restricting the use of the electronic portable device only in a specific area or areas of the courthouse,  
86 including the lobby, hallways, or other designated areas within the courthouse; (iii) restricting the use of  
87 mobile telephones, including designating certain areas of the courthouse where phone conversations may be  
88 had; (iv) requiring that all portable electronic devices remain on silent mode at all times; or (v) any other  
89 conditions as needed to maintain safety, security, proper behavior, order, and the administration of justice. If  
90 the portable electronic device policy allows possession of such portable electronic devices, the provisions  
91 requiring the circuit court to provide storage in accordance with subsection C shall not apply.

92 E. The chief judge of a circuit court may allow possession of a portable electronic device by a visitor to  
93 the court in the courtroom, provided that such portable electronic device remains on silent mode at all times.  
94 A visitor to the court may, with the express permission of the presiding judge, use a portable electronic  
95 device to (i) present evidence or other information or (ii) conduct research related to the proceeding.

96 F. The policy of each circuit court set in accordance with this section shall be posted in an accessible,  
97 prominent, and conspicuous manner at the entrance of the circuit court and on (i) the individual circuit court  
98 page on the Virginia Judicial System website or equivalent website where statewide courthouse information  
99 is aggregated; (ii) a court's individual website; or (iii) if the court does not have an individual website, an  
100 equivalent local government website where such circuit court's information is communicated to the public.  
101 Such posting shall include any prohibition, restriction, condition, and limitation on possession and use of any  
102 portable electronic device by visitors to the court, and, if such policy prohibits possession of such portable  
103 electronic device by a visitor to the court, the process for ensuring that evidence from such portable  
104 electronic device may be presented in a courtroom.

105 G. Any portable electronic device used in violation of a circuit court's policy or related court order may  
106 be confiscated and the court or sheriff's department responsible for providing court security shall not be  
107 liable for any damage to or loss of such confiscated portable electronic device.

108 H. Any use of a portable electronic device in the courthouse or courtrooms to take photographs, make  
109 audio or video recordings, or to transmit live audio or video streaming shall be prohibited except with prior  
110 written authorization by a judge of the circuit court.