

1 **SUPERIOR COURT**
2 **COUNTY OF SAN BERNARDINO**
3 247 West Third Street, Eleventh Floor
4 San Bernardino, CA 92415-0302
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8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN BERNARDINO**
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11 IN RE:

12 AMENDED IMPLEMENTATION OF
13 EMERGENCY RELIEF AUTHORIZED
14 PURSUANT TO GOVERNMENT CODE
15 SECTION 68115 BY CHAIR OF JUDICIAL
16 COUNCIL EFFECTIVE APRIL 3, 2020

} GENERAL ORDER OF THE
PRESIDING JUDGE

17 Due to Governor Gavin Newsom proclaiming a State of Emergency in California
18 as a result of COVID-19; Governor Newsom and State Public Health Officers
19 announcing that gatherings should be postponed or canceled across the State until at
20 least the end of May 2020; Governor Newsom declaring that non-essential gatherings
21 must be limited to no more than 250 people, while smaller events can proceed only if
22 the organizers can implement social distancing of 6 feet per person, and gatherings of
23 individuals who are at higher risk for severe illness from COVID-19 should be limited to
24 no more than 10 people, while also following social distancing guidelines; The County
25 of San Bernardino Public Health Department declaring a local health emergency and
26 issuing an order consistent with the guidelines of Governor Newsom and the State
27 Public Health Officers; President Trump declaring a national emergency and issuing
28 directives targeted at reducing social contact to reduce the spread of COVID-19; in

1 accordance with the March 17, 2020 order of Chief Justice Tani G. Cantil-Sakauye,
2 Chair of the Judicial Council of California, under the authority granted pursuant to
3 Government Code Section 68115, and issued in response to the March 16, 2020
4 request for an emergency order made by the Superior Court of San Bernardino County,
5 and subsequent request for extension of the emergency order made on March 23, 2020
6 and granted by order of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial
7 Council of California on April 1, 2020; Governor Newsom, on March 27, 2020, issuing
8 Executive Order N-38-20, which among other things, suspended Government Code
9 section 68115 and any other provision of law to the extent that those laws impose or
10 imply a limitation on Chief Justice Tani G. Cantil-Sakauye's authority to authorize via
11 emergency order or statewide rule, any court to take any action deemed necessary to
12 maintain the safe and orderly operation of the courts; and the Statewide Orders
13 executed by Chief Justice Tani G. Cantil-Sakauye on March 23, 2020 and March 30,
14 2020, and under the authority granted pursuant to Government Code Section 68115 to
15 protect the health and safety of the public, court personnel, and criminal litigants
16 brought before the court, the court HEREBY ORDERS AS FOLLOWS:

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- 18 1. From March 17, 2020 through April 30, 2020, the court may hold sessions
19 anywhere in the county, including in correctional and juvenile detention
20 facilities.
 - 21 2. For purposes of computing time for filing papers with the court under Code of
22 Civil Procedure sections 12 and 12a, April 3, 2020 through April 30, 2020 are
23 deemed holidays.
 - 24 3. April 3, 2020 through April 30 , 2020 are deemed holidays for purposes of
25 computing time under:
 - 26 a. Penal Code section 825 (time to bring a criminal defendant before
27 magistrate after arrest)
- 28

- 1 b. Welfare and Institutions Code section 313 (time to release minor taken
2 into custody pending dependency proceedings)
- 3 c. Welfare and Institutions Code section 315 (time to hold detention
4 hearing for minor taken into custody pending dependency
5 proceedings)
- 6 d. Welfare and Institutions Code section 334 (time to hold hearing on
7 dependency petition)
- 8 e. Welfare and Institutions Code section 631 (time to release minor taken
9 into custody pending wardship proceedings)
- 10 f. Welfare and Institutions Code section 632 (time to hold detention
11 hearing for minor taken into custody pending wardship proceedings)
- 12 g. Welfare and Institutions Code section 637 (time to hold detention
13 rehearing in wardship proceedings if parent/guardian files affidavit
14 asserting lack of notice of hearing or minor requests evidence of prima
15 facie case)
- 16 h. Welfare and Institutions Code section 657 (time to hold hearing on
17 wardship petition)
- 18 4. From April 3, 2020 through April 30, 2020, all courtrooms except for limited
19 courtrooms in San Bernardino Justice Center, Victorville, Joshua Tree, San
20 Bernardino Historic and Juvenile Court will be closed for judicial business,
21 except for the following time-sensitive, essential functions:
- 22 a. Civil temporary restraining orders involving violent conduct;
- 23 b. Family ex parte including domestic violence proceedings and other
24 safety issues;
- 25 c. Hague Convention (international kidnapping);
- 26 d. Probate ex parte hearings concerning elder abuse;
- 27 e. Probate emergency petitions for temporary guardianship;
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- 1 f. Probate emergency petitions for temporary conservatorship;
- 2 g. Riese hearings;
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- 4 h. Electronically submitted day and night time warrants including the
- 5 following:
- 6 i. Search;
- 7 ii. Arrest;
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- 9 iii. Juvenile detention;
- 10 iv. Juvenile interview;
- 11 v. Bail enhancement;
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- 13 vi. Emergency protective orders;
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- 15 vii. PEN register;
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- 17 viii. GPS;
- 18
- 19 ix. Parole;
- 20
- 21 xi. Gun violence RO
- 22 i. Criminal, in-custody and/or other time-sensitive or critical matters,
- 23 including, but not limited to, pre-preliminary and preliminary hearings;
- 24
- 25 j. Emergency orders relating to the health and safety of a child;
- 26
- 27 k. Emergency writs challenging COVID-19 emergency measures;
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- l. In-custody arraignments for new filings;
- m. In-custody juvenile dependency and delinquency detentions; and

1 n. Ex parte orders to address emergency unlawful detainer lock-outs.

2 These matters will be conducted with strict distancing protocols being followed.
3 Six feet of social distance at all times, and no more than 10 persons in a
4 courtroom or Clerk's Office lobby at any time are permitted.

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6 5. In accordance with the Statewide orders issued by Hon. Tani G Cantil –
7 Sakauye, Chief Justice of California and Chair of the Judicial Council of
8 California, on March 23, 2020 and March 30, 2020:

9 a. All jury trials are suspended and continued for a period of sixty **60** days
10 from March 23, 2020. The court may conduct a trial at an earlier date,
11 upon a finding of good cause shown or through the uses of remote
12 technology, when appropriate.

13 b. The time period provided in section 1382 of the Penal Code for the
14 holding of a criminal trial is extended by no more than **60** days from
15 the last date on which the statutory deadline would otherwise have
16 expired. The court may conduct such a trial at an earlier date, upon a
17 finding of good cause shown or through the use of remote technology,
18 when appropriate.

19 c. The time period provided in sections 583.310 and 583.320 of the Code
20 of Civil Procedure for the holding of a civil trial is extended by no more
21 than **60** days from the last date on which the statutory deadlines would
22 otherwise have expired. The court may conduct such a trial at an
23 earlier date, upon a finding of good cause shown or through the use of
24 remote technology, when appropriate.

25 d. The **60**-day continuance of jury trials as provided in sections 5b and 5c
26 above are to be calculated from the date for which the trial was set or
27 extended, whichever is longer.
28

- 1 6. All other matters are hereby continued by the court. The parties shall receive
2 notice stating the specific time and date of the continuance in their cases.
- 3 7. The court extends the following deadlines for the period beginning April 3,
4 2020 through April 30, 2020:
- 5 a. The duration of any temporary restraining order that would otherwise
6 expire because the emergency condition described in the order
7 prevented the court from conducting proceedings to determine
8 whether a permanent order should be entered is extended by not more
9 than **30** days.
 - 10 b. The time provided in section 825 of the Penal Code within which a
11 defendant charged with a felony offense must be taken before a
12 magistrate is extended from 48 hours to not more than **7** days.
 - 13 c. The time period provided in section 859b of the Penal Code for the
14 holding of a preliminary examination is extended from 10 court days to
15 not more than **30** court days.
 - 16 d. The time period provided in section 313 of the Welfare and Institutions
17 Code within which a minor taken into custody pending dependency
18 proceedings must be released from custody is extended by not more
19 than **7** days.
 - 20 e. The time period provided in section 315 of the Welfare and Institutions
21 Code within which a minor taken into custody pending dependency
22 proceedings must be given a detention hearing is extended by not
23 more than **7** days.
 - 24 f. The time periods provided in sections 632 and 637 of the Welfare and
25 Institutions Code within which a minor taken into custody pending
26 wardship proceedings and charged with a felony must be given a
27 detention hearing or rehearing is extended by not more than **7** days.
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1 g. The time period provided in section 334 of the Welfare and Institutions
2 Code within which a hearing on a juvenile dependency petition must
3 be held is extended by not more than **15** days.

4 h. The time period provided in section 657 of the Welfare and Institutions
5 Code within which a hearing on a wardship petition for a minor
6 charged with a felony offense must be held is extended by not more
7 than **15** days.

8 8. The San Bernardino County Probation Department may review and authorize
9 the release of in-custody inmates that meet the pretrial services release
10 requirements pending further hearing.

11 9. Upon assessment by the San Bernardino County Probation Department, the
12 San Bernardino County Sheriff is authorized to release those identified by the
13 San Bernardino County Probation Department as low risk through the pretrial
14 program. The Probation Department may develop terms of release, which, if
15 violated may result in a criminal defendant's return to custody.

16 10. The court is authorized under rule 10.613(i) of the California Rules of Court to
17 adopt any proposed rules or rule amendment that is intended to address the
18 impact of the COVID-19 pandemic to take effect immediately, without
19 advance circulation for 45 days of public comment. A copy of any such rule
20 change, if adopted, must be provided to Judicial Council staff and the court
21 must post notice of the change prominently on the court's website, along with
22 the effective date of the new or amended rule. Additionally, the court must
23 immediately distribute the new or amended rule as set forth in rule
24 10.613(g)(2). No litigant's substantive rights shall be prejudiced for failing to
25 comply with the requirements of a new or amended rule until at least 20 days
26 after the rule change has been distributed.

27 11. The court may, when possible, conduct judicial proceedings and court
28 operations remotely, suspend any rule in the California Rules of Court to the

1 extent such rule would prevent a court from using technology to conduct
2 judicial proceedings and court operations remotely, in order to protect the
3 health and safety of the public, court personnel, judicial officers, litigants, and
4 witnesses.

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7 THIS ORDER IS EFFECTIVE IMMEDIATELY.

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11 Dated: April 2, 2020.

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16 MICHAEL A. SACHS
17 Presiding Judge of the Superior Court
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