

1 the facility is located.

2 (3) "Interfere with" shall mean to restrict a person's freedom of movement;

3 (4) "Intimidate" shall mean to place a person in reasonable apprehension of immediate
4 bodily harm to him or herself or to another;

5 (5) "Physical obstruction" means rendering impassable ingress or egress from a facility
6 that provides reproductive health services or to or from a place of religious worship, or rendering
7 passage to or from such a facility or place of religious worship unreasonably difficult or
8 hazardous;

9 (6) "Reproductive health services" means reproductive health services provided in a
10 hospital, clinic, physician's office, or other facility, and includes medical, surgical, counseling or
11 referral services relating to the human reproductive system, including services relating to
12 pregnancy or the termination of a pregnancy.

13 **23-17.20-3. Prohibited activities.** – Whoever:

14 (1) by force or threat of force or by physical obstruction, intentionally injures, intimidates
15 or interferes with or attempts to injure, intimidate or interfere with any person because that person
16 is or has been or in order to intimidate such person or any other person or any class of persons
17 from, obtaining or providing reproductive health services;

18 (2) by force or threat of force or by physical obstruction, intentionally injures, intimidates
19 or interferes with or attempts to injure, intimidate or interfere with any person lawfully exercising
20 or seeking to exercise their first amendment right of religious freedom at a place of religious
21 worship; or

22 (3) intentionally damages or destroys the property of a facility, or attempts to do so,
23 because such facility provides reproductive health services, or intentionally damages or destroys
24 the property of a place of religious worship, shall be subject to the penalties provided in section
25 23-17.20-6 and the civil remedies provided in section 23-17.20-7, except that a parent or legal
26 guardian of a minor shall not be subject to any penalties or civil remedies under this chapter for
27 such activities insofar as they are directed exclusively at that minor.

28 **23-17.20-4. Obstructing entry or exit.** – Any person who shall knowingly obstruct,
29 detain, hinder, impede or block another person's entry to or exit from a health care facility shall
30 be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for
31 not more than one (1) year or by a fine of not more than one thousand dollars (\$1,000) or both.

32 **23-17.20-5. Approaching person seeking access.** – Any person who shall knowingly
33 approach another person within eight (8) feet of such person, unless such other person consents,
34 for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest,

1 education or counseling with such other person in the public way or sidewalk area within a radius
2 of one hundred (100) feet from any entrance door to a health care facility shall be guilty of a
3 misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than
4 one (1) year or by a fine of not more than one thousand dollars (\$1,000) or both.

5 **23-17.20-6. Penalties.** – Whoever violates section 23-17.20-3 shall:

6 (1) in the case of a first offense, be fined not to exceed one thousand dollars (\$1,000), or
7 imprisoned not more than one (1) year, or both; and (2) in the case of a second or subsequent
8 offense after a prior conviction under this section, be fined in accordance with this chapter, or
9 imprisoned not more than three (3) years, or both; except that for an offense involving exclusively
10 a nonviolent physical obstruction, the fine shall be not more than ten thousand dollars (\$10,000)
11 and the length of imprisonment shall be not more than six (6) months, or both for the first
12 offense; and the fine shall be not more than twenty-five thousand dollars (\$25,000) and the length
13 of imprisonment shall be not more eighteen (18) months, or both for a subsequent offense; and
14 except that if bodily injury results, the length of imprisonment shall be not more than ten (10)
15 years, and if death results, it shall be for any term of years or for life.

16 **23-17.20-7. Civil remedies.** – (a) Right of action. (1) In general. – Any person aggrieved
17 by reason of the conduct prohibited by section 23-17.20-3, 23-17.20-4, or 23-17.20-5 may
18 commence a civil action for the relief set forth in subsection (2) of this section, except that such
19 an action may be brought under section 23-17.20-3(1) only by a person involved in providing or
20 seeking to provide, or obtaining or seeking to obtain, services in a facility that provides
21 reproductive health services, and such an action may be brought under section 23-17.20-3(2) only
22 by a person lawfully exercising or seeking to exercise the first amendment right of religious
23 freedom at a place of religious worship or by the entity that owns or operates such place of
24 religious worship.

25 (2) Relief. – In any action under subsection (1) of this section the court may award
26 appropriate relief, including temporary, preliminary or permanent injunctive relief and
27 compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys
28 and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time
29 prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of
30 statutory damages in the amount of five thousand dollars (\$5,000) per violation.

31 (b) Actions by state attorney general.

32 (1) In general. – If the attorney general of the state has reasonable cause to believe that
33 any person or group of persons is being, has been, or may be injured by conduct constituting a
34 violation of this chapter, such attorney general may commence a civil action in the name of the

1 state, as parens patriae on behalf of natural persons residing in this state, in the superior court.

2 (2) Relief. – In any action under section 23-17.20-7(b)(1) the court may award
3 appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory
4 damages and civil penalties:

5 (i) in an amount not exceeding ten thousand dollars (\$10,000) for a nonviolent physical
6 obstruction and fifteen thousand dollars (\$15,000) for other first violations; and

7 (ii) in an amount not exceeding fifteen thousand dollars (\$15,000) for a nonviolent
8 physical obstruction and twenty-five thousand dollars (\$25,000) for any other subsequent
9 violation.

10 **23-17.20-8. Rules of construction.** – Nothing in this chapter shall be construed:

11 (1) to prohibit any expressive conduct (including peaceful picketing or other peaceful
12 demonstration) protected from legal prohibition by the first amendment to the constitution; or

13 (2) to create new remedies for interference with activities protected by the free speech or
14 free exercise clauses of the first amendment to the constitution, occurring outside a facility,
15 regardless of the point of view expressed, or to limit any existing legal remedies for such
16 interference; or

17 (3) to provide exclusive criminal penalties or civil remedies with respect to the conduct
18 prohibited by this section, or to preempt state or local laws that may provide such penalties or
19 remedies; or

20 (4) to interfere with the enforcement of state or local laws regulating the performance of
21 abortions or other reproductive health services.

22 **23-17.20-9. Freedom of speech -- Protected.** – Notwithstanding anything to the contrary
23 contained in this chapter, nothing contained in this chapter shall be deemed construed or enforced
24 in a manner which prohibits or inhibits the rights of any individual, group of individuals or
25 organization from assembling in a peaceable manner on public property or from exercising their
26 rights of free speech pursuant to the constitution of the state of Rhode Island or pursuant to the
27 constitution of the United States.

28 **23-17.20-10. Severability.** – If any provision of this chapter or the application thereof to
29 any person or circumstances is held invalid, such invalidity shall not affect other provisions or
30 applications of the chapter, which can be given effect without the invalid provisions or
31 application, and to this end the provisions of this chapter are declared to be severable.

32 SECTION 2. This act shall take effect upon passage.

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- SAFETY OF ACCESS TO FACILITIES --
ENDANGERED

1 This act would allow freedom of access to facilities providing reproductive health
2 services or to places of religious worship and would prohibit the obstruction of access to or exit
3 from a health care facility. The act would provide for civil remedies for any person aggrieved by
4 a violation of the act and provides criminal penalties for persons who violate the act.

5 This act would take effect upon passage.

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