

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 873*
Judiciary I Committee Substitute Adopted 5/6/93

Short Title: No Obstruction/Hlth Facilities.

(Public)

Sponsors:

Referred to:

April 15, 1993

A BILL TO BE ENTITLED

AN ACT TO PROTECT A PERSON'S ACCESS TO HEALTH CARE FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. Article 35 of Chapter 14 of the General Statutes is amended by adding a new section to read:

§ 14-277.4. Obstruction of health care facilities.

(a) No person shall act alone or conspire with another to obstruct or block another person's access to or egress from a health care facility or from the common areas of the real property upon which the facility is located in a manner that deprives or delays the person from obtaining or providing health care services in the facility.

(b) No person shall, acting alone or in conspiracy with another, injure or intimidate or attempt to injure or intimidate a person who is or has been:

(1) Obtaining health care services;

(2) Lawfully aiding another to obtain health care services; or

(3) Providing health care services.

(c) A violation of subsection (a) or (b) of this section is a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), imprisonment not to exceed six months, or both. A second conviction for a violation of either subsection (a) or (b) of this section within three years of the first shall be punishable as a general misdemeanor. A third or subsequent conviction for a violation of either subsection (a) or (b) of this section within three years of the second or most recent conviction shall be punishable as a Class I felony.

1 (d) Any person aggrieved under this section may seek injunctive relief in a court
2 of competent jurisdiction to prevent threatened or further violations of this section. Any
3 violation of an injunction obtained pursuant to this section constitutes criminal contempt
4 and shall be punishable by a term of imprisonment of not less than 30 days and no more
5 than 12 months.

6 (e) This section shall not prohibit any person from engaging in lawful speech or
7 picketing which does not impede or deny another person's access to health care or to a
8 health care facility or interfere with the delivery of health care within a health care
9 facility.

10 (f) 'Health care facility' as used in this section means any hospital, clinic, or other
11 facility that is licensed to administer medical treatment or the primary function of which
12 is to provide medical treatment in this State.

13 (g) Persons subject to the prohibitions of subsections (a) and (b) of this section
14 do not include owners, officers, agents, or employees of the health care facility or law
15 enforcement officers acting in the course of their employment."

16 Sec. 2. G.S. 14-277.2(a) reads as rewritten:

17 "(a) It shall be unlawful for any person participating in, affiliated with, or present
18 as a spectator at any parade, funeral procession, picket line, or demonstration upon any
19 private health care facility or upon any public place owned or under the control of the
20 State or any of its political subdivisions to willfully or intentionally possess or have
21 immediate access to any dangerous weapon. Violation of this subsection shall be a
22 misdemeanor. It shall be presumed that any rifle or gun carried on a rack in a pickup
23 truck at a holiday parade or in a funeral procession does not violate the terms of this
24 act."

25 Sec. 3. This act becomes effective October 1, 1993.