

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 873*
Judiciary I Committee Substitute Adopted 5/6/93
Third Edition Engrossed 5/12/93
House Committee Substitute Favorable 7/7/93
Fifth Edition Engrossed 7/15/93

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 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 injure or attempt or threaten to injure 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

1 misdemeanor. A third or subsequent conviction for a violation of either subsection (a) or
2 (b) of this section within three years of the second or most recent conviction shall be
3 punishable as a Class I felony.

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

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

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

16 (g) 'Health care services' as used in this section means services provided in a
17 health care facility.

18 (h) Persons subject to the prohibitions in subsection (a) of this section do not
19 include owners, officers, agents, or employees of the health care facility or law
20 enforcement officers acting to protect real or personal property."

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

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

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