

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 985\*

Short Title: No Obstruction/Hlth Facilities.

(Public)

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Sponsors: Representatives Michaux; Easterling, and Luebke.

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Referred to: Judiciary I.

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April 19, 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. A violation of this subsection is a misdemeanor, punishable by a term of imprisonment of not less than 30 days and not more than six months. The minimum sentence shall not be subject to suspension.

(b) No person shall act alone or conspire with another willfully or recklessly to interfere with access to or from a health care facility or willfully or recklessly to disrupt the normal functioning of such facility by:

(1) Making noise that unreasonably disturbs the peace within the facility;

(2) Using words or conduct to place another person in reasonable fear of serious harm to his or her person or property;

(3) Telephoning the facility repeatedly, or knowingly permitting any telephone under his or her control to be used for such purpose;

(4) Threatening to inflict injury on the owners, agents, patients, employees, or property of the facility or knowingly permitting any telephone under his or her control to be used for such purpose; or

1           (5) Creating a noxious and offensive odor.

2 A violation of this subsection is a misdemeanor, punishable by a term of imprisonment  
3 not to exceed six months.

4       (c) A second conviction for a violation of either subsection (a) or (b) within three  
5 years of the first shall be punishable by a term of imprisonment of not less than six  
6 months and no more than two years. The minimum sentence shall not be subject to  
7 suspension. A third or subsequent conviction for a violation of either subsection (a) or  
8 (b) within three years of the second or most recent conviction shall be punishable as a  
9 Class I felony.

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

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

19       (f) 'Health care facility' as used in this Article means any entity that is licensed,  
20 certified, or otherwise authorized or permitted to administer medical treatment in this  
21 State."

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

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

31           Sec. 3. This act becomes effective December 1, 1993.