

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 873*

Short Title: No Obstruction/Hlth Facilities.

(Public)

Sponsors: Senators Winner of Mecklenburg; Sherron, Gunter, Johnson, Marshall, Ballance, Walker, Lee, Cooper, Richardson, Seymour, Perdue, Gulley, Daniel, Tally, and Winner of Buncombe.

Referred to: Judiciary I.

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. 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;

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

4 (5) Creating a noxious and offensive odor.

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

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

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

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

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

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

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

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