



# **Legal Remedies to Address Clinic Violence and Harassment**

**A Handbook for NAF Members**



NATIONAL  
ABORTION  
FEDERATION

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1660 L Street NW, Suite 450

Washington, DC 20036

[naf@prochoice.org](mailto:naf@prochoice.org)

[www.prochoice.org](http://www.prochoice.org)



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## A Handbook for NAF Members

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*©2016 The National Abortion Federation is the professional association of abortion providers. Our members include private and non-profit clinics, Planned Parenthood affiliates, women's health centers, physicians' offices, and hospitals who together care for half the women who choose abortion in the U.S. and Canada each year. Our members also include public hospitals and both public and private clinics in Mexico City and private clinics in Colombia.*

**Please note: The materials contained in this document are for informational purposes and do not constitute legal advice or representation. Readers should seek the advice of an appropriate attorney or other professional regarding individual questions or concerns of a legal or professional nature.**

## Table of Contents

Introduction .....	4
FACE Act: Freedom of Access to Clinic Entrances.....	4
Injunctions Protecting Reproductive Health Care Facilities, Staff, and Patients.....	5
Laws Protecting Reproductive Health Care Facilities, Staff, and Patients.....	5
<i>McCullen v. Coakley</i> .....	6
Residential Picketing Ordinances.....	7
Cyberstalking and Cyberharassment Ordinances.....	8
List of Injunctions and Ordinances by State .....	9
ALABAMA .....	9
ARIZONA.....	9
ARKANSAS .....	10
CALIFORNIA .....	10
COLORADO .....	15
CONNECTICUT .....	16
DISTRICT OF COLUMBIA .....	17
FLORIDA.....	18
GEORGIA.....	19
HAWAII .....	21
ILLINOIS .....	21
INDIANA .....	22
IOWA.....	22
KANSAS .....	23
MAINE .....	23
MARYLAND .....	24
MASSACHUSETTS .....	25
MICHIGAN.....	25
MINNESOTA.....	26
MISSISSIPPI.....	27
MISSOURI .....	27
MONTANA .....	27

NEBRASKA .....	28
NEVADA.....	29
NEW HAMPSHIRE .....	29
NEW JERSEY.....	30
NEW MEXICO .....	30
NEW YORK.....	31
NORTH CAROLINA.....	32
NORTH DAKOTA.....	33
OHIO .....	34
OREGON .....	35
PENNSYLVANIA.....	36
RHODE ISLAND .....	37
SOUTH DAKOTA.....	37
TEXAS .....	37
UTAH .....	39
VERMONT .....	40
VIRGINIA.....	40
WASHINGTON.....	40
WISCONSIN .....	40
List of Injunctions and Laws by Province .....	43
ALBERTA.....	43
BRITISH COLUMBIA.....	43
ONTARIO.....	44
QUÉBEC .....	44
Appendix 1: Examples of Laws Protecting Reproductive Health Care Facilities, Staff, and Patients.....	45
Federal Freedom of Access to Clinic Entrances (FACE) Act.....	45
California Freedom of Access to Clinic and Church Entrances Act.....	48
North Carolina Obstruction of Health Care Facilities .....	53
Washington Interference with Health Care Facilities or Providers Act.....	54
Appendix 2: Examples of Facility Ordinances .....	57
California: Access to Reproductive Health Care Facilities .....	57
Colorado: Preventing Passage to and From a Health Care Facility – Engaging in Prohibited Activities Near Facility.....	64

Massachusetts: Protesting and Educating in the Vicinity of Reproductive Health Care Facilities Restricted..... 65

Massachusetts: Impeding Access to or Departure from Reproductive Health Care Facility. . 67

Appendix 3: Examples of Residential Picketing Ordinances..... 70

    California: Targeted Residential Picketing Prohibited. .... 66

    Colorado: Residential Picketing – Legislative Declaration..... 67

    Nebraska: Focused Residential Picketing, Prohibited..... 69

    Wisconsin: Residential Picketing Prohibited. .... 74

Appendix 4: Examples of Cyberstalking and Cyberharassment Ordinances..... 75

    Illinois: Offense of Cyberstalking..... 75

    New Jersey: Crime of Cyber-Harassment ..... 78

    Rhode Island: Cyberstalking and Cyberharassment Prohibited. .... 79

## Introduction

Since *Roe v. Wade*<sup>1</sup> was decided in 1973, abortion providers have been the target of escalating violence and harassment by anti-abortion extremists who sometimes choose to take the law into their own hands. Anti-abortion violence and intimidation ranges from picketing and protesting to arson, acid attacks, and even murder. When faced with violence, there are a variety of legal remedies that abortion providers can and have pursued to ensure the safety of facility staff and patients. This handbook is an introduction to the ordinances, injunctions, and other legal remedies that providers and advocates have attempted across the United States and Canada.

The beginning of this handbook briefly explains the various legal avenues that have been used to address violence against abortion providers. We first consider the U.S. Freedom of Access to Clinic Entrances (FACE) Act, the federal law that makes it a crime to intimidate, injure, or interfere with anyone seeking to obtain or provide reproductive health care services, or to damage or destroy facilities providing such care. Next, the handbook addresses injunctions and laws, the differences between them, and the reasons you may choose to pursue one over another. The majority of the handbook lists the injunctions, ordinances (both facility ordinances and residential picketing ordinances), and relevant statutes that exist in each state and province, including those ordinances that have been ruled unconstitutional for your reference. The lists are organized alphabetically by state with a Canadian section at the end for your convenience.

At the end of this handbook, there are appendices which contain the full text of the federal FACE law and several state FACE laws, as well as examples of successful facility protection, residential picketing, and cyber harassment laws. We offer these as suggestions that may help you in drafting a law or seeking an injunction to fit the needs of a specific state, province, town, or facility. Laws that were struck down by courts are also included to help in the drafting of solutions that are most likely to succeed in addressing anti-abortion violence.

### FACE Act: Freedom of Access to Clinic Entrances

During the 1980s and early 1990s, clinic protests and blockades were on the rise. Violence against abortion providers escalated, culminating in the murder of NAF member Dr. David Gunn in Florida in March 1993. These high-profile incidents created a sense of urgency in Congress to pass federal legislation to address the violence committed against reproductive health care facilities, providers, and patients.

The Freedom of Access to Clinic Entrances (FACE) Act, passed by the United States Congress and signed into law by President Bill Clinton in May 1994, makes it a crime to intentionally use force, the threat of force, or physical obstruction to injure, intimidate, interfere with, or attempt to injure, intimidate, or interfere with someone obtaining or providing reproductive health care services. FACE also includes penalties for anyone who intentionally damages or destroys a

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<sup>1</sup> 410 U.S. 113 (1973).

facility that provides reproductive health care services. Many states have enacted their own versions of FACE or similar statutes, allowing prosecutors to bring criminal or civil charges under state law, and giving providers broader opportunities for enforcement of the law.

### **Injunctions Protecting Reproductive Health Care Facilities, Staff, and Patients**

An injunction is a court order requiring a party to either begin or cease engaging in an action. To obtain an injunction, a person or party injured by a legal violation of FACE or a similar state statute can bring a civil suit against the offender. The suit allows the plaintiff to obtain temporary or permanent injunctive relief from a court if their argument is successful. The injunction is usually argued by both sides in a court hearing as opposed to a trial. In order to receive injunctive relief, the plaintiff must show the court good reason for issuing the injunction, often requiring written or video documentation of the harassment or violence.

Injunctions are useful because they do not require action by a state legislature or city council. They can prohibit a wide range of anti-abortion activity based on the past actions of a particular group or individual. Injunctions are very flexible, and can be applied to a single person, a group of people, an organization, or anyone who acts with or on behalf of the named target of the injunction. An injunction can be granted in a matter of days or weeks, allowing for a quick response to anti-abortion activity, and does not necessarily require a long-term political strategy. Furthermore, if perpetrators fail to comply with the injunction they can be held in contempt of court. Injunctions can be used to supplement existing laws protecting facility staff and patients and usually are best used together with legislation that can provide more durable protection against extremists.

Injunctions do have drawbacks. Because an injunction is based on *past* behavior, it is a reactive—not proactive—response. Preemptive injunctions are granted very rarely and only when there has been extreme behavior by the same actors at another facility in the past. Injunctions are only effective against the people named in the actual suit, which may allow new groups of people to begin the same activity without violating the injunction. Injunctions must be narrowly written to ensure a court will hold that the defendant is not overly burdened by the conditions and that their freedom of speech is protected. Injunctions can also be expensive, since going to court may require hiring a lawyer and paying court fees.

### **Laws Protecting Reproductive Health Care Facilities, Staff, and Patients**

A statute is a law passed by a legislature on the state or federal level. An ordinance is a law passed by a local authority at the provincial, county, or city level. Although both statutes and ordinances may be used to protect reproductive health care facilities, local ordinances are more common. Laws that protect facilities generally take the form of a *buffer zone* or *bubble zone* law. Buffer zone laws limit how close demonstrators are allowed to be to a facility by requiring that protests occur at a specific distance from the facility. Bubble zone laws create floating areas around particular



people (usually clinic staff and patients) or vehicles—and prohibit protesters from coming within a certain distance of the specified person or vehicle. Bubble zones are sometimes referred to as *floating buffer zones*.

Prior to *McCullen v. Coakley*<sup>2</sup> (discussed in more detail below), the Supreme Court decision in *Hill v. Colorado*<sup>3</sup> in 2000 established the Constitutional standard for these types of laws. The *Hill* decision upheld a Colorado statute that created an eight-foot no-approach bubble zone around any person within a buffer zone stretching 100 feet from a health care facility, and made it a misdemeanor to obstruct entry to or exit from a health care facility. This served as a model for similar ordinances across the country for many years. *Hill* was challenged in *McCullen* but was not overruled.

The major advantage of facility protection laws is that they apply to all protesters equally and indefinitely. Attempts to pass this type of law also present an opportunity to build a pro-choice network of supporters who can help lobby for the law, educate the greater community about women's health, and bring disruptive and violent anti-abortion activity to the public eye. These laws have disadvantages as well. It may take quite a while and a significant amount of advocacy to pass a law, especially if the legislature, state officials, or city council are not pro-choice. Facility protection laws can also be challenged in court, which can be an expensive and time consuming process. In light of the *McCullen* decision, buffer zone laws are likely to face legal challenge from anti-abortion groups.

### *McCullen v. Coakley*

The Supreme Court decision in *McCullen v. Coakley* in 2014 struck down a Massachusetts statute that created a 35-foot fixed buffer zone around reproductive health care facilities. The statute was found to be content-neutral, but was unconstitutional because it was not narrowly tailored and burdened the protesters' speech more than necessary. The Court reasoned that the state had less burdensome options available to achieve its intended goal including injunctions, criminal FACE prosecutions, and anti-harassment ordinances.

In response, the Massachusetts legislature quickly passed a new statute that included a variety of provisions to help ensure access to reproductive health care facilities. Under the new statute, police may order individuals who are substantially impeding access to a facility to withdraw at least 25 feet away from the entrance or driveway of a facility for at least 8 hours or until the facility closes. It also prohibits knowingly impeding a person or vehicle attempting to access a facility, as well as interfering with a person's ability to provide or obtain services at a facility.

Anti-abortion groups were quick to challenge existing facility protection laws following the *McCullen* decision. Many cities either stopped enforcing their facility ordinances or revised their ordinances using the Massachusetts ordinance as an example. With buffer zones likely to be

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<sup>2</sup> 134 S. Ct. 2518 (U.S. 2014).

<sup>3</sup> 530 U.S. 703 (2000).

challenged, cities without facility ordinances in place before *McCullen* have now successfully passed ordinances that rely on a police dispersal order as well as noise ordinances restricting the use of sound amplification or shouting near health care facilities.

Unlike traditional buffer zones, these types of statutes are reactive—rather than preventative—and require substantially more law enforcement interaction, making them more difficult to enforce and arguably less effective. Most police forces require that they witness the behavior at issue before arresting demonstrators or issuing dispersal orders. As seen with bubble zones, police forces may be hesitant to attempt to enforce laws if violation of the law is unclear. This makes such laws less helpful in protecting facilities, providers, and their patients. Fixed buffer zones, with a clear line painted on the ground, are easier for police to enforce and clear to both demonstrators and facility staff. As anti-abortion extremists conform their behavior to evolving laws, enforcement of long-standing laws like FACE becomes more difficult.

Because facility protection laws require police intervention to be beneficial, it is important to proactively create a relationship with law enforcement. A positive relationship can streamline investigations and improve responsiveness. Identify an individual to be your main contact within the local law enforcement department and designate a facility employee to be the contact for the department. Facilities can be a resource to law enforcement by providing video footage and identifying how the local department would prefer incidents be reported. Law enforcement briefings can be a valuable tool in educating officers about existing laws, the history of clinic violence, and common problems facilities face. The NAF Security team is happy to partner with facilities to assist in developing a relationship with local law enforcement.

## **Residential Picketing Ordinances**

Many cities and towns have enacted residential picketing ordinances. Anti-abortion extremists often picket facility staff, especially doctors, at their homes. This residential picketing is disruptive and can frighten and intimidate the families and neighbors of facility staff and doctors. If residential picketing is a problem for a community, an ordinance may be the right solution, as courts have ruled in favor of ordinances that either entirely prohibit or severely limit residential pickets.

The Supreme Court decision in *Frisby v. Schultz*<sup>4</sup> in 1988 created the standard for laws limiting picketing at people's homes. The laws must be designed to protect homeowners' privacy, keep streets clear, and provide alternative methods of communication for the protesters, who still have the right to free speech. This means that often ordinances may stop protests focused on a single residence, but cannot prohibit residential picketing in general. Residential picketing ordinances that specifically target or exempt a certain point of view or do not define restricted activities may be struck down, while those that prohibit demonstration regardless of point of view and define the restricted activities are more likely to be upheld.

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<sup>4</sup> 487 U.S. 474 (1988).

## Other Local and State Laws as a Remedy

Noise ordinances that restrict the use of sound amplification or shouting near health care facilities have also proven useful in limiting anti-abortion demonstrations, even following the *McCullen* decision. For example, West Palm Beach, Florida, has a noise ordinance that was challenged by anti-abortion groups and upheld by the Eleventh Circuit.<sup>5</sup>

Likewise, anti-choice activity is often a violation of existing local or state law, not exclusive to abortion access. For example, trespass, nuisance, stalking, harassment, and public gathering laws are examples that were not intended to address anti-abortion violence and intimidation specifically, but that can be utilized as a remedy.

## Cyberstalking and Cyber Harassment Ordinances

In addition to traditional stalking and harassment tactics, anti-abortion extremists have begun using email, the Internet, and social media as new avenues to harass and intimidate facility staff and doctors. Many cities and towns have ordinances specifically prohibiting cyberstalking and cyber harassment or have provisions covering electronic means of communication in traditional stalking and harassment ordinances. Such ordinances may be helpful in curtailing harassment but often require evidence of a pattern of similar behavior or communication that constitutes a threat. As with all ordinances, it may take a while to get an ordinance passed, but cyberstalking and cyber harassment ordinances tend to be less controversial because of their broad application.

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<sup>5</sup> *Pine v. City of W. Palm Beach*, 762 F.3d 1262 (11th Cir. Fla. 2014) (holding that the ordinance was a valid time, place, or manner restriction that was content-neutral and narrowly tailored to advance the city's substantial interest in protecting patients, and it left open ample alternative avenues of communication; to avoid constitutional concerns, the court construed the restriction on amplified sound as targeting only loud, raucous, or unreasonably disturbing noise. As so construed, the sound ordinance was not unconstitutionally vague.).

## List of Injunctions and Laws by State

The following pages outline many of the injunctions and laws that exist in each state. These listings are intended to provide an overview of the different strategies that reproductive health care facilities, providers, and patients have pursued over the course of many years to help ensure their safety from anti-abortion violence. This list is not exhaustive and is up to date as of January 1, 2016.

### ALABAMA

#### INJUNCTION:

*Lucero v. Trosch*, 121 F.3d 591 (11th Cir. 1997).

**Anti-Abortion Activity:** Anti-abortion extremists shouted and made noise loud enough to be heard inside the clinic. The extremists blocked or delayed cars attempting to enter the clinic driveway and forced literature on people approaching the clinic. Anti-abortion extremists demonstrated outside the doctor's house, threatened the doctor and his wife, attempted to block his car as he left the clinic, and followed clinic staff home.

**Relevant Provisions (granted under the federal FACE Act):**

- 25-foot fixed buffer around the clinic.
- No blockading staff members' home driveways or streets.

#### RESIDENTIAL PICKETING ORDINANCE:

Birmingham, AL – BIRMINGHAM, ALA. CODE OF ORDINANCES § 12-5-29 (2013).

**Relevant Provisions:** Prohibits picketing or similar activity of a residence within the city.

Mountain Brook, AL – MOUNTAIN BROOK, ALA. CODE OF ORDINANCES §§ 46-118, 46-124, 46-131 (2014).

**Relevant Provisions:** Prohibits public assemblies in areas zoned residential by the city code. "Public assemblies" defined as a "parade, march, formation, procession, group of pickets, picket line, public demonstration, movement, assemblage, gathering, or display of persons."

### ARIZONA

#### FACILITY ORDINANCE:

Phoenix, AZ – PHOENIX, ARIZ., CODE OF ORDINANCES § 23-10.1 (2010).

**Relevant Provisions:** Creates an eight-foot cease-and-desist bubble zone within a 100-foot buffer zone around any health care facility. The ordinance makes it unlawful for a demonstrator to fail to withdraw, upon a clear request, beyond eight feet from any person in the buffer zone.

**Relevant Cases:** *Sabelko v. City of Phoenix*, 68 F.3d 1169 (9th Cir. 1995), *reversing* 846 F. Supp. 810 (D. Ariz. 1994), *vacated and remanded*, 519 U.S. 1144 (1997), *aff'd* 120 F.3d 161 (9th Cir. 1997) (ordinance ruled unconstitutional because it was not narrowly tailored); *but see Hill v.*

*Colorado*, 530 U.S. 703 (2000) (finding constitutional an eight-foot cease-and-desist bubble zone within a 100-foot buffer zone outside of health clinics).

#### **RESIDENTIAL PICKETING STATUTE:**

**Arizona – ARIZ. REV. STAT. § 13-2909 (2015).**

**Relevant Provision:** Prohibits residential picketing, defined as “demonstrating before or about the residence or dwelling place of an individual...with intent to harass, annoy, or alarm another person.”

**Relevant Cases:** *State v. Baldwin*, 908 P.2d 483 (Ariz. Ct. App. 1995) (statute ruled constitutional).

### **ARKANSAS**

#### **RESIDENTIAL PICKETING ORDINANCES:**

**Arkansas – ARK. CODE ANN. § 5-71-225 (2001).**

**Relevant Provision:** Prohibits “demonstrations of any type or picketing before or about any residence or dwelling place of any individual.” Repealed by 2005 Ark. ALS 1994 §523

**Fayetteville, AR – FAYETTEVILLE, ARK., CODE OF ORDINANCES § 13-15 (2010).**

**Relevant Provision:** Prohibits engaging “in demonstrations of any type or to picket before or about the residence or dwelling place of any individual,” regardless of whether the home was in a residential or busy commercial area.

**Relevant Cases:** *Pursley v. City of Fayetteville*, 820 F.2d 951 (8th Cir. 1987) (ordinance ruled unconstitutional because it was not narrowly tailored to serve the government interest of protecting domestic tranquility).

### **CALIFORNIA**

#### **INJUNCTIONS:**

***Chico Feminist Women’s Health Ctr. v. Scully*, 208 Cal. App. 3d 230 (Cal. Ct. App. 1989).**

**Anti-Abortion Activity:** Anti-abortion extremists rushed patients’ cars as they arrived, attempted to stop patients on the sidewalk, thrust pamphlets at patients, photographed them, and recorded their license plate numbers.

#### **Relevant Provisions:**

- 10-foot buffer zone around doorways; 10-foot distance between all picketers within a 25-foot zone of the center; no more than seven picketers on the street in front of the clinic.
- No photographing or recording license plates of patients or staff.
- No blocking entrances or exits into the center; no blocking path or right of way of patients or staff.
- No shouting or voice amplification to harass or demonstrate; no using tape recording devices or other recording devices in front of the center.

- No following patients and/or being within 15 feet of patients in their cars without having been invited.
- No contact with people connected with the clinic who have declined contact previously.
- No identifying or disclosing the identity of anyone entering, leaving, or approaching the clinic or harassing any person in such a fashion.

***Planned Parenthood Ass'n of San Mateo Cnty. v. Operation Rescue*, 50 Cal. App. 4th 290 (Cal. Ct. App. 1996).**

**Anti-Abortion Activity:** Anti-abortion extremists harassed a doctor by blockading his driveway, banging on his car, deflating his tires, following him while he was driving, and demonstrating in front of his house. Extremists also blockaded the clinic, forcing its temporary closure. They prevented drivers from entering the clinic parking lot, displayed signs, harassed patients, made excessive noise that was audible inside the clinic waiting room, and invaded the clinic.

**Relevant Provisions:**

- Buffer zone banning protesters from coming within 15 feet of the abortion clinic.
- Defendants may not obstruct clinic access.
- No shouting, screaming, or other loud noises that can be heard in the clinic.
- No touching or threatening to touch people entering or leaving.
- Must remain 30 feet away from a specific doctor and his family.
- Defendants may not threaten, follow, telephone, block, or photograph that specific doctor.

***United States v. White*, 893 F. Supp. 1423 (C.D. Cal. 1995).**

**Anti-Abortion Activity:** Anti-abortion extremists harassed the doctor and his wife by blockading their driveway, picketing on the public road that their driveway attaches to, following him in their cars, and obstructing the visibility of his car as he was about to pull onto the public road. Extremists shoved and pushed the doctor, yelled and jeered at him, and pantomimed shooting him.

**Relevant Provisions (granted under the federal FACE Act):**

- No force or threats against the doctor or his wife; no telephoning the doctor or his wife; no trespassing on the doctor's property.
- 15-foot buffer zone around the doctor and his wife.
- While driving, no following or preceding the doctor or his wife by less than three car-lengths.
- No placing placards within five feet of either of their cars or physically touching their vehicles.
- No demonstrating within 45 feet of the intersection of the doctor's driveway and the public road.

**FACILITY ORDINANCES:**

**Los Angeles, CA – LOS ANGELES, CAL., MUN. CODE ch. v, art. 6.1 § 56.45 (2015).**

**Relevant Provisions:** Makes it a misdemeanor to intentionally act in any manner that threatens or disturbs the peace or security of a medical facility. The police may also order demonstrators to

stay 50 feet away from a facility and its parking lot for up to four hours at a time. The law also prohibits activities that interfere with a patient or worker at a medical facility.

**Oakland, CA – OAKLAND, CAL. CODE OF ORDINANCES § 8.52.010 (2015).**

**Relevant Provisions:** Creates a 100-foot buffer zone around “reproductive health care facilities,” with eight-foot no-approach bubble zones around anyone approaching a facility in the buffer zone. Violation of the ordinance is a misdemeanor.

**Relevant Cases:** *Hoye v. City of Oakland*, 642 F. Supp. 2d 1029 (N.D. Cal. 2009), *aff’d in part, rev’d in part*, 653 F.3d 835 (9th Cir. Cal. 2011) (finding the ordinance facially constitutional, but enforced in an impermissibly content-based manner), *remanded to 2011 U.S. Dist. LEXIS 145154* (N.D. Cal. Dec. 16, 2011) (revising the city’s training materials to clarify that the 8-foot bubble zone applies equally to protestors and escort volunteers).

**Sacramento, CA – SACRAMENTO, CAL., CNTY. CODE § 9.110.030 (2014); SACRAMENTO, CAL., CITY CODE § 12.96.020 (2015).**

In July 2003, the Sacramento County Supervisors passed a buffer zone ordinance. The City of Sacramento then passed an ordinance, modeled after the county ordinance, which was challenged in court. In October 2004, in light of *Hill v. Colorado*, the City passed a remodeled ordinance.

**Relevant Provisions:** The County ordinance created a buffer zone with a 20-foot radius around facility walkways and driveways, making it a misdemeanor to “harass” anyone entering or leaving the facility. “Harass” is defined as “intentionally approaching another person [without consent] for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education or counseling with such other person in a buffer zone.” The remodeled City ordinance replaced the 20-foot buffer zone around all facility entrances in favor of an eight-foot cease-and-desist bubble zone around all persons entering or exiting the facility.

**Relevant Cases:** *Feminist Women’s Health Center v. Sanctity of Human Life*, No. 05AS02303 (May 2005); *see Hill v. Colorado*, 530 U.S. 703 (2000).

**San Diego, CA – SAN DIEGO, CAL., MUN. CODE §§ 52.1001-52.1002 (2015).**

**Relevant Provisions:** Creates an eight-foot cease-and-desist bubble zone within a 100-foot buffer zone around health care facilities, places of worship, or schools. The ordinance also provides for a private right of action.

**San Francisco, CA – SAN FRANCISCO, CAL., POLICE CODE § 4303 (2015).**

**Relevant Provisions:** Ordinance was revised in response to the *McCullen* decision and now makes it unlawful to: 1) follow or harass an individual within 25 feet of a reproductive health care facility; 2) impede access to the door of a facility; or 3) shout or use amplified sound on a public street or sidewalk within 50 feet of a facility. The ordinance also authorizes police to issue an order requiring individuals to immediately disperse to at least 25 feet from the entrance or driveway of a reproductive health care facility with the order remaining in effect for eight hours or until the facility closes, whichever is earlier.

**Relevant Cases:** *McCullen v. Coakley*, 134 S. Ct. 258 (2104). Original ordinance, which created an eight-foot cease-and-desist bubble zone around individuals within a 100-foot buffer zone

around a health care facility and prohibited harassment within 100 feet of an exterior wall of a health care facility, was revised following *McCullen* decision.

**San Jose, CA – SAN JOSE, CAL., MUN. CODE §§ 10.08.030-10.08.040 (2015).**

**Relevant Provisions:** Creates an eight-foot cease-and-desist bubble zone around individuals within a 100-foot buffer zone around health care facilities, protecting access to and from the facility. The ordinance also provides for a private right of action.

**Santa Barbara, CA – SANTA BARBARA, CAL., MUN. CODE § 9.99 (2015).**

**Relevant Provisions:** Creates an eight-foot cease-and-desist bubble zone around any individual within a 100-foot buffer zone around health care facilities and places of worship. The ordinance also creates an eight-foot buffer zone around the driveway of a health care facility or place of worship, within which demonstration activity is prohibited.

**Relevant Cases:** *Czekaj v. California* (Cal. Super. Ct. Jan. 6, 1995), *cert. denied*, 516 U.S. 808 (1995); *Edwards v. City of Santa Barbara*, 883 F. Supp. 1379 (C.D. Cal. 1995), *vacated and remanded*, 70 F.3d 1277 (9th Cir. 1995), *on remand and appeal*, 150 F.3d 1213 (9th Cir. 1998) (upheld eight-foot buffer zone around driveways and entrances, but held unconstitutional the 100-foot buffer with eight-foot bubble zone), *cert. denied*, 526 U.S. 1004 (1999); *but see Hill v. Colorado*, 530 U.S. 703 (2000).

**RESIDENTIAL PICKETING ORDINANCES**

**Carlsbad, CA – CARLSBAD, CAL., CODE OF ORDINANCES § 8.54.020 (2014).**

**Relevant Provision:** Prohibits picketing “targeted at” and “within three hundred feet of a residential dwelling.”

**Davis, CA – DAVIS, CAL., CODE OF ORDINANCES § 35.06 (2015).**

**Relevant Provision:** Prohibits picketing “before or about” a residence or dwelling.

**Glendale, CA – GLENDALE, CAL., CODE OF ORDINANCES § 9.20.080 (2015).**

**Relevant Provision:** Prohibits picketing “solely in front of, or at, the residence or dwelling of any individual without permission from the owner or occupant of said residence.”

**Huntington Beach, CA – HUNTINGTON BEACH, CAL., CODE OF ORDINANCES §9.20.030 (2015).**

**Relevant Provision:** Prohibits targeted picketing within 300 feet of residence or dwelling of any individual.

**Irvine, CA – IRVINE, CAL., CODE OF ORDINANCES §§ 4-14.104, 4-14.107 (2015).**

**Relevant Provisions:** Prohibits picketing, parading, or a procession for the purpose of inducing an employee to quit her employment by means of compulsion, coercion, intimidation, threat, or act of violence or fear.



**Los Angeles, CA – LOS ANGELES, CAL., MUN. CODE, ch. 5, art. 6.1, § 56.45 (e) (2015).**

**Relevant Provisions:** Prohibits picketing, parades, or patrols that: 1) focus on a private residence, and 2) take place within 100 feet of the private residence.

**National City, CA – NATIONAL CITY, CAL., CODE OF ORDINANCES §10.10.020 (2015).**

**Relevant Provision:** Prohibits targeted residential picketing within the city.

**Rancho Palos Verdes, CA – RANCHO PALOS VERDES, CAL. CODE OF ORDINANCES § 9.32.030 (2015).**

**Relevant Provision:** Prohibits targeted picketing within 300 feet of a residence or dwelling.

**Riverside, CA – RIVERSIDE, CAL., CODE OF ORDINANCES § 9.54.030 (2010).**

**Relevant Provision:** Prohibits targeted picketing within 300 feet of a residential dwelling

**Salinas, CA – SALINAS, CAL., CODE OF ORDINANCES § 21-61 (2015).**

**Relevant Provisions:** Prohibits residential picketing except: 1) between 9:00 a.m. and 5:00 p.m. of any day, excluding Sunday and holidays; 2) “when conducted peacefully by no more than two persons at any residence or dwelling unit, nor more than five persons on either side of any street a block in length, alley or cul-de-sac;” and 3) “In a manner that allows safe and unobstructed ingress to and egress from any residence or dwelling.”

**San Clemente, CA – SAN CLEMENTE, CAL., CODE OF ORDINANCES § 9.04.110 (2014).**

**Relevant Provisions:** Prohibits targeted picketing within 200 feet of a residential dwelling.

**San Jose, CA – SAN JOSE, CAL., CODE OF ORDINANCES § 10.09.010 (2015).**

**Relevant Provisions:** Prohibits picketing activity that is “targeted at and is within 300 feet of a residential dwelling.” “Residential dwelling” means any “permanent building being used by its occupants solely for non-transient residential uses.” “Targeted” means any “picketing activity that is targeted at a particular residential dwelling and proceeds on a definite course or route in front of or around that particular residential dwelling.” Enforcement is limited to where picketing proceeds “on a definite course or route in front of a residential dwelling and is directed at that residential dwelling.”

**Relevant Cases:** *City of San Jose v. Thompson*, 32 Cal. App. 4th 330 (Cal. Ct. App. 1995) (ordinance ruled constitutional), *cert. denied*, 516 U.S. 932 (1995).

**Santa Ana, CA – SANTA ANA, CAL., CODE OF ORDINANCES § 10.110 (2015).**

**Relevant Provision:** Prohibits picketing “before or about” the residence where “such picketing is focused on that particular residence.”

**Solana Beach, CA – SOLANA BEACH, CAL. CODE OF ORDINANCES §§ 7.38.010-7.38.020 (2015).**

**Relevant Provision:** Makes targeted residential picketing a misdemeanor. Section should be construed and applied in accordance with *Frisby v. Shultz*, 487 U.S. 474 (1988).

**Tustin, CA – TUSTIN, CAL., CODE OF ORDINANCES §§ 6510-6520 (2015).**

**Relevant Provisions:** Prohibits “picketing activity that is targeted at and is within 300 feet of a residential property.” The 300-foot zone is measured from nearest property line of the targeted property to the picketing activity.

**OTHER RELEVANT STATE STATUTES:**

- California Freedom of Access to Clinic and Church Entrances Act: CAL. PENAL CODE § 423 (2015).
- Commercial blockade, protection of individual privacy, and prevention of harassment: CAL. CIV. CODE § 3427-3427.4 (2015).
- Insurance issues related to hate crimes or anti-reproductive-rights crimes: CAL. INS. CODE § 676.10 (2015).
- Preventing individual from entering or exiting health care facility, place of worship, or school: CAL. PENAL CODE § 602.11 (2015).
- Protection of residential address: CAL. GOV'T CODE § 6215 – 6217 (2015).
- Reproductive Rights Law Enforcement Act: CAL. PENAL CODE § 13775-13779 (2015).
- Terrorizing by arson or use of explosive device at specified places: CAL. PENAL CODE § 11413 (2015).
- Use of butyric acid or other similar substance: CAL. PENAL CODE § 594.4 (2015).

**COLORADO****FACILITY LAWS:****Colorado – COLO. REV. STAT. § 18-9-122 (2014).**

**Relevant Provisions:** Creates an eight-foot no-approach bubble zone around any person within a buffer zone that stretches 100 feet from the entrance to a health care facility and makes it a misdemeanor to obstruct entry to or exit from a health care facility. Section 13-21-106.7 provides for civil remedies in addition to any criminal sanctions available under § 18-9-122.

**Relevant Cases:** *Hill v. City of Lakewood*, 911 P.2d 670 (Colo. Ct. App. 1995), *cert. granted, judgment vacated*, *Hill v. Colorado*, 519 U.S. 1145 (1997), *on remand*, *Hill v. City of Lakewood*, 949 P.2d 107 (Colo. Ct. App. 1997), *aff'd by Hill v. Thomas*, 973 P.2d 1246 (1999), *aff'd by Hill v. Colorado*, 530 U.S. 703 (2000) (statute was a narrowly tailored content-neutral time, place, and manner regulation; not overbroad or vague; did not impose unconstitutional prior restraint on speech).

**Boulder, CO – BOULDER, COLO., REV. CODE § 5-3-10 (2015).**

**Relevant Provision:** Creates an eight-foot cease-and-desist bubble zone within a 100-foot buffer zone around health care facilities.

**Relevant Cases:** *Buchanan v. Jorgensen*, No. Civ. 87-2-213 (D. Colo. Mar. 6, 1987); *see Hill v. Colorado*, 530 U.S. 703 (2000).

**Denver, CO – DENVER, COLO., CODE OF ORDINANCES § 38-114 (2105).**

**Relevant Provision:** Creates an eight-foot cease-and-desist bubble zone within a 100-foot buffer zone around entrances to health care facilities.

**RESIDENTIAL PICKETING LAWS:**

**Colorado – COLO. REV. STAT. § 18-9-108.5 (2014).**

**Relevant Provisions:** Prohibits targeted picketing in a residential area except when picketer is marching, without stopping, over a route that extends at least beyond three adjacent structures, or 300 feet on either side of the targeted residence. Prohibits picketers from carrying more than one sign, which must be no larger than six square feet. Picketers violating the statute may be found guilty of a misdemeanor and fined no more than \$5,000.

**Arapahoe County, CO – ARAPAHOE CNTY., COLO., ORDINANCE 2000-1 (2013).**

**Relevant Provisions:** Prohibits targeted picketing in a residential area except when picketer is marching, without stopping in front of any residence, over a route along the entire one-way length of at least one block (660 feet) of a street. Prohibits residential picketers from carrying or displaying signs that are greater than two feet and/or larger in total size than three square feet. Each picketer is limited to one sign.

**Aurora, CO – AURORA, COLO., CODE OF ORDINANCES § 94-121 (2014).**

**Relevant Provisions:** Prohibits “directed, focused, or targeted” picketing of a private residence. Before a person may be charged with a violation, the person must first be ordered to move or disperse by a police officer.

**Black Hawk, CO – BLACK HAWK, COLO., CODE OF ORDINANCES § 10.134 (2014).**

**Relevant Provisions:** Prohibits “directed, focused, or targeted” picketing of a private residence. Before a person may be charged with a violation, the person must first be ordered to move or disperse by a police officer.

**OTHER RELEVANT STATE STATUTE:**

- Civil damages for preventing passage to and from a health care facility and engaging in prohibited activity near facility: COLO. REV. STAT. § 13-21-106.7 (2014).

## CONNECTICUT

**INJUNCTION:**

*United States v. Scott*, 187 F.3d 282 (2d Cir. 1999).

**Anti-Abortion Activity:** Anti-abortion extremist used a large sign to attack clinic escorts, block patients, block clinic doors, and prevent patients from leaving their cars. Anti-abortion extremist also ran at patients and yelled at them, followed them to and from their automobiles, and ignored their requests to be left alone; pushed and threatened clinic personnel; and threatened to shoot a clinic security guard.

**Relevant Provisions (granted under federal FACE Act):**

- 28-foot buffer zone around the clinic door.
- Eight-foot floating bubble zone around people and cars.
- Withdrawal from the bubble zones is required if the person being approached wishes to avoid contact.

**RESIDENTIAL PICKETING STATUTE:**

**Connecticut – CONN. GEN. STAT. § 31-120 (2014).**

**Relevant Provisions:** Prohibits residential picketing “unless such home or residence is adjacent to or in the same building or on the same premises in which such person was employed and which employment is involved in a labor dispute.”

**OTHER RELEVANT STATE STATUTE:**

- Action for deprivation of equal rights and privileges: CONN. GEN. STAT. §§ 52-571a, 53-37b (2014).

**DISTRICT OF COLUMBIA**

**INJUNCTIONS:**

*Nat’l Org. of Women v. Operation Rescue*, 747 F. Supp. 760 (D.D.C. 1990).

**Anti-Abortion Activity:** Anti-abortion extremists attempted blockades of abortion clinics.

**Relevant Provisions (granted under federal FACE Act):**

- No trespassing, blockading, or obstructing access to clinics.
- Includes large fines for individual and group violations.

*United States v. Alaw*, 327 F.3d 1217 (D.C. Cir. 2003).

**Anti-Abortion Activity:** Anti-abortion extremists attempted to blockade the clinic.

**Relevant Provisions (granted under federal FACE Act):**

- No intentionally standing, sitting, lying, or kneeling in front of clinic entrances, or otherwise physically blockading or obstructing access to such facilities.
- No intentionally attempting, inducing, directing, aiding, or abetting in any manner, others to take the above actions.
- No intentionally coming within a 20-foot radius of any facility where abortions are provided.

**FACILITY ORDINANCE:**

**District of Columbia**

**Relevant Provision:** In November 1989, D.C. passed an emergency act that included a buffer zone provision that prohibits “patrol[ing] or picket[ing] within 100 feet of a health care facility...to intimidate, harass, or disrupt the staff or a patient of the health care facility.”

**Relevant Cases:** *Mahoney v. District of Columbia*, Civ. No 89-3136-OG, 1990 U.S. Dist. LEXIS 69, at \*2 (D.D.C. Jan. 8, 1990) (act ruled unconstitutional as vague and overbroad).

## RESIDENTIAL PICKETING ORDINANCE:

District of Columbia – WASHINGTON, D.C., CODE § 22-1314.02(c) (2015).

**Relevant Provision:** Prohibits acting alone or with others “with the intent to prevent a health professional or his or her family from entering or leaving the health professional’s home.”

## OTHER RELEVANT STATE STATUTE:

- Interference with access to a medical facility: D.C. CODE § 22-1314.01-22-1314.02 (2015).

## FLORIDA

### INJUNCTIONS:

*Madsen v. Women’s Health Center*, 512 U.S. 753 (U.S. 1994).

**Anti-Abortion Activity:** Anti-abortion extremists blocked the street in front of clinic; obstructed driveways; accosted drivers, patients, and passersby with anti-abortion literature; and created excessive noise with bullhorns, loudspeakers, singing, and chanting. The anti-abortion extremists also picketed outside clinic employees’ homes; shouted at passersby; identified the employees as “baby-killers” to their neighbors; and confronted employees’ children who were home alone.

**Relevant Provisions (granted under federal FACE Act):**

- 36-foot buffer zone around the clinic extending to public property but not private property.
- No “singing, chanting, whistling, shouting, yelling, use of bullhorns, auto horns, sound amplification equipment, or other sounds...within earshot of the patients inside the clinic” between 7:30 AM and 12:00 PM, Monday through Saturday.

*Raney v. Aware Woman Center for Choice*, 224 F.3d 1266 (11th Cir. 2000).

**Anti-Abortion Activity:** An anti-abortion extremist violated the 36-foot buffer zone injunction established by *Madsen v. Women’s Health Center*. He attempted to argue that police enforcement of the injunction constituted a violation of the FACE Act, because he was trying to provide “counseling” to men and women entering and leaving the clinic.

**Relevant Provisions (granted under federal FACE Act):**

- Reaffirms the injunction from *Madsen*.
- Held that anti-abortion extremists cannot be protected by FACE. FACE protects only people providing or seeking to provide services *in a facility* that provides reproductive health services. Since the plaintiff was on the sidewalk outside the facility, he was not protected by FACE.

### FACILITY ORDINANCES:

Pensacola, FL – PENSACOLA, FLA., CODE § 8-1-19 (2014).

**Relevant Provisions:** Creates “Law Enforcement Areas” that include all public property within eight feet of abortion clinics’ property except paved and public sidewalks. No one, except a law enforcement official, is permitted to enter the areas. At one facility where it is necessary for

access, employees and patients may cross the area via the driveway when they enter or leave the clinic.

**Relevant Cases:** *Conrow v. City of Pensacola*, No. 95-257-CA-01 (Fla. Cir. Ct. Apr. 11, 1995) (ordinance upheld).

**West Palm Beach, FL – WEST PALM BEACH, FLA., CODE § 78-425 (2005).**

**Relevant Provisions:** Creates a 20-foot buffer zone around the clinic driveways and prohibits protesting, picketing, pamphlet distribution, education, or counseling activities within the buffer zone.

**Relevant Cases:** *Halfpap v. City of West Palm Beach Florida*, 2006 U.S. Dist. LEXIS 97428 (S.D. Fla. Apr. 11, 2006) (ordinance ruled unconstitutional because the size of the zone was too large, the ordinance was not narrowly tailored to serve the city’s interest of public safety, and it restricted protected speech).

**West Palm Beach, FL – WEST PALM BEACH, FLA., CODE § 34-38 (2005).**

**Relevant Provisions:** Prohibits the use of sound amplification devices, including loudspeakers, megaphones, or other electronic audio instruments or devices that produce or reproduce amplified sound, within 100 feet of a health care facility.

**Relevant Cases:** *Pine v. City of West Palm Beach*, No. 13-15011 (11<sup>th</sup> Cir. Aug. 6, 2014) (ordinance upheld).

**RESIDENTIAL PICKETING ORDINANCE:**

**Melbourne Beach, FL – MELBOURNE BEACH, FLA., CODE OF ORDINANCES § 66-2 (2013).**

**Relevant Provision:** Prohibits targeted residential picketing.

**Orlando, FL – ORLANDO, FLA. CODE OF ORDINANCES § 43.42 (2015).**

**Relevant Provision:** Prohibits picketing “before or about” any dwelling.

**Pensacola, FL – PENSACOLA, FLA., CODE OF ORDINANCES § 8-1-18 (2014).**

**Relevant Provision:** Prohibits residential picketing in specified zoning districts.

**Winter Park, FL – WINTER PARK, FLA., CODE OF ORDINANCES § 62-79 (2015).**

**Relevant Provisions:** Prohibits protest or picketing within 50 feet of a dwelling. Also prohibits protest or picketing “in any park, public street, public right-of-way, or on a sidewalk, where such activity impedes or interferes with the rights of others to travel on or in such areas in a safe manner, consistent with the traditional pedestrian, bicycle or motor vehicle use of such areas.”

**GEORGIA**

**INJUNCTION:**

***Hirsch v. City of Atlanta*, 401 S.E.2d 530 (Ga. 1991).**

**Anti-Abortion Activity:** Anti-abortion extremists organized clinic blockades throughout Atlanta, linked to the Democratic National Convention taking place in the city.

**Relevant Provisions:** 50-foot buffer for the property line in which protests are allowed, subject to the following restrictions: five-foot floating bubble; must withdraw if requested to do so; and no more than 20 protesters allowed, and they must be spaced in such a way as to allow access to the clinic.

**RESIDENTIAL PICKETING ORDINANCE:**

**Atlanta, GA – ATLANTA, GA., CODE OF ORDINANCES § 106-89 (2015).**

**Relevant Provisions:** Prohibits picketing before or about private residences. Picketing defined as: patrolling or stationing at a residence with a sign or insignia designed to persuade or protest or to obstruct passage to or from a residence or to promote a strike or boycott at a residence.

**Avondale Estates, GA – AVONDALE ESTATES, GA. CODE OF ORDINANCES § 12-29 (2014).**

**Relevant Provision:** Prohibits picketing “before or about” the residence or dwelling place of any individual.

**Clayton County, GA – CLAYTON CNTY., GA., CODE OF ORDINANCES § 62-46 (2015).**

**Relevant Provision:** Prohibits picketing “before or about” the residence or dwelling place of any individual.

**DeKalb County, GA – DEKALB CNTY., GA., CODE OF ORDINANCES § 16-28 (2014).**

**Relevant Provision:** Prohibits picketing “before or about” the residence or dwelling place of any individual.

**Dunwoody, GA – DUNWOODY, GA., CODE OF ORDINANCES § 24-106 (2015).**

**Relevant Provision:** Prohibits picketing “before or about” the residence or dwelling place of any individual.

**Gwinnett County, GA – GWINNETT CNTY., GA., CODE OF ORDINANCES § 74-2 (2014).**

**Relevant Provision:** Prohibits picketing “before or about” the residence or dwelling place of any individual.

**Johns Creek, GA – JOHNS CREEK, GA., CODE OF ORDINANCES § 34-63 (2014).**

**Relevant Provision:** Prohibits picketing “before or about” the residence or dwelling place of any individual.

**Milton, GA – MILTON, GA., CODE OF ORDINANCES § 32-110 (2014).**

**Relevant Provision:** Prohibits picketing “before or about” the residence or dwelling place of any individual.

**Rome, GA – Rome, Ga., Code of Ordinances § 11-520 (2014).**

**Relevant Provision:** Prohibits picketing of an individual residence.

**Sandy Springs, GA – SANDY SPRINGS, GA., CODE OF ORDINANCES § 38-61 (2013).**

**Relevant Provision:** Prohibits picketing “before or about” the residence or dwelling place of any individual.

## HAWAII

**RESIDENTIAL PICKETING STATUTE:**

**Hawaii – HAW. REV. STAT. § 379A-1 (2015)**

**Relevant Provisions:** Prohibits picketing “before or about” the residence or dwelling place of any individual. Does not prohibit picketing during a labor dispute.

## ILLINOIS

**FACILITY ORDINANCE:**

**Chicago, IL – CHICAGO, ILL., MUN. CODE § 8-4-010 (2013).**

**Relevant Provisions:** Creates a buffer zone of 50 feet around any entrance to a “hospital, medical clinic, or healthcare facility” that prevents people from demonstrating or picketing with no-approach bubble zones eight feet around anyone approaching a facility in the buffer zone.

Violation of the ordinance carries up to a \$500 fine.

**RESIDENTIAL PICKETING LAWS:**

**Illinois – 720 ILL. COMP. STAT. § 38/21.1-2 (2010).**

**Relevant Provision:** Prohibits picketing “before or about” residences or dwellings, except “the peaceful picketing of a place of employment involved in a labor dispute.”

**Relevant Cases:** *Carey v. Brown*, 447 U.S. 455 (1980) (statute ruled unconstitutional because it discriminates between legal and illegal conduct based on the subject matter of the demonstration).

**Burbank, IL – BURBANK, ILL., CODE OF ORDINANCES § 9-77 (2014).**

**Relevant Provision:** Prohibits picketing “before or about” the residence or dwelling place of any individual.

**Carpentersville, IL – CARPENTERSVILLE, ILL., CODE OF ORDINANCES § 9.12.040 (2015).**

**Relevant Provision:** Prohibits picketing “before or about” the residence of another unless that residence is used as a business.

**Wheeling, IL – WHEELING, ILL., CODE OF ORDINANCES § 8.12.030 (2015).**

**Relevant Provision:** Prohibits picketing “before or about” the residence of another unless that residence is used as a business.



**Danville, IL – DANVILLE, ILL., CODE OF ORDINANCES § 133.02 (2014).**

**Relevant Provisions:** Prohibits picketing “before or about” a residence, except when residence is used as a place of business. Section does not apply to: 1) a person peacefully picketing his own residence; 2) a person peacefully picketing a place of employment involved in a labor dispute; or 3) a place where holding a meeting or assembly on premises is used to discuss public interest topics.

**Palos Heights, IL – PALOS HEIGHTS, ILL., CODE OF ORDINANCES § 133.02 (2014).**

**Relevant Provision:** Prohibits picketing “before or about” a residence, except when targeted residence is used as a place of business.

## INDIANA

### INJUNCTION:

*Fort Wayne Women’s Health Org. v. Brane*, 895 F. Supp. 1080 (N.D. Ind. 1990).

**Anti-Abortion Activity:** Anti-abortion extremists in groups as large as 20 pushed and shoved escorts walking patients to the clinic, shouted at patients, and tried to pass anti-abortion literature to patients. Extremists also followed patients when they left the clinic to the parking lot, their places of employment, and restaurants.

**Relevant Provisions (granted under federal FACE Act):**

- No trespassing, blockading, or obstructing access to the clinic.
- Picketing limited to opposite side of the street or 25 feet away.
- One-on-one “sidewalk counseling,” at low volume, is permitted, but only with the patient’s consent.
- No obstructing traffic.
- No noise at a volume that substantially interferes with the provision of medical services.

### RESIDENTIAL PICKETING ORDINANCE:

**Merrillville, IN – MERRILLVILLE, IND. CODE OF ORDINANCES § 10.6 (2014).**

**Relevant Provision:** Prohibits targeted picketing of a particular residence.

## IOWA

### RESIDENTIAL PICKETING ORDINANCE:

**Clive, IA – CLIVE, IOWA, CODE OF ORDINANCES § 5-4A-7 (2010).**

**Relevant Provision:** Ordinance prohibits “any person to engage in picketing before, about, or immediately adjacent to, the residence or dwelling of any individual in the City.”

**Relevant Cases:** *Douglas v. Brownwell*, 88 F.3d 1511 (8th Cir. 1996) (ordinance ruled constitutional as three-house zone was narrowly tailored to serve a state interest).

## KANSAS

### INJUNCTION:

*United States v. Burke*, 15 F. Supp. 2d 1090 (D. Kan. 1998).

**Anti-Abortion Activity:** An anti-abortion extremist blockaded clinic; invaded the clinic; destroyed a television; attacked three clinic employees, breaking one's jaw; sent a death threat to the clinic through the mail; and threatened patients as they approached the clinic.

### Relevant Provisions (granted under federal FACE Act):

- No obstructing or interfering with clinic access.
- No entering onto the clinic's property.
- Prohibits violence, harassment, intimidation, or force directed towards anyone associated with the clinic.

### RESIDENTIAL PICKETING ORDINANCES:

Lenexa, KS – LENEXA, KAN., MUN. CODE § 3-12-A-4 (2014).

**Relevant Provision:** Prohibits picketing that is “directed, focused, or targeted” at a residence unless the targeted residence is used as a place of business or public assembly.

Prairie Village, KS – PRAIRIE VILLAGE, KAN. ORDINANCE chap. XI, art. 9.16 (2014).

**Relevant Provisions:** Prohibits picketing before or about the residence or dwelling of any individual in the city, or before or about any church in the city.

**Relevant Cases:** *City of Prairie Village v. Hogan*, 855 P.2d 949 (Kan. 1993) (ordinance ruled constitutional).

Topeka, KS – TOPEKA, KAN., MUN. CODE § 9.45.050 (2014).

**Relevant Provisions:** Prohibits picketing that is “directed, focused, or targeted at a residence and that takes place before or about that residence.” Defines residential picketing as when a person “with or without a sign, is posted at, before, or about a particular residence.”

### OTHER RELEVANT STATE STATUTE:

- Criminal trespass: KAN. STAT. ANN. § 21-5808 (2014).

## MAINE

### FACILITY ORDINANCE:

Portland, ME – PORTLAND, ME., CODE OF ORDINANCES §§ 17-108 – 17-112 (2013) (*repealed* Ord. No. 10-14/15, adopted July 7, 2014).

**Relevant Provision:** Ordinance creates 39-foot buffer zone around reproductive health care clinic entrances and driveways, with exception for employees and agents of the facility acting for the purpose of providing escort services only.

**Relevant Cases:** *McCullen v. Coakley*, 134 S. Ct. 2518 (2014). Ordinance repealed following *McCullen* decision.

**RESIDENTIAL PICKETING ORDINANCE:**

**Bangor, ME – Bangor, Me., Municipal Ordinance Prohibiting Targeted Residential Picketing (1996).**

**Relevant Provision:** Bans all targeted residential picketing within a 300-foot radius outside of a fixed location with materials displaying information about the fixed location or activities or persons therein.

**Relevant Cases:** *City of Bangor v. Stauble*, No. AP-97-14 & 15, 1997 Me. Super. LEXIS 352 (Me. Super Ct. 1997) (ordinance ruled unconstitutional as content-based regulation and not narrowly tailored).

**OTHER RELEVANT STATE STATUTE:**

- Interference with health care services: ME. REV. STAT. ANN. tit. 5, § 4684-B (2014).

**MARYLAND**

**RESIDENTIAL PICKETING LAWS:**

**Maryland – MD. CRIM. LAW CODE § 3-904 (2014).**

**Relevant Provisions:** Prohibits intentional assembly “with another in a manner that disrupts a person’s right to tranquility in the person’s home.”

**Gaithersburg, MD – GAITHERSBURG, MD., CODE OF ORDINANCES § 15-18 (2014).**

**Relevant Provisions:** Prohibits picketing “in front of or adjacent to any private residence.”

**Montgomery County, MD – MONTGOMERY CNTY., MD., CODE OF ORDINANCES § 32-23 (2014).**

**Relevant Provisions:** Prohibits picketing “in front of or adjacent to any private residence.” Section does not prohibit: 1) picketers from marching in residential area without stopping at any particular residence; 2) picketing in front of a residence used as the occupant’s sole place of business; and 3) picketing a private residence during a public meeting. Picketing means “to post a person or persons at a particular place to convey a message.”

**Prince Georges County, MD – PRINCE GEORGES CNTY., MD., CODE OF ORDINANCES § 14-176 (2015).**

**Relevant Provision:** Prohibits picketing “directed toward or takes place solely in front of a particular residence, utilizing a public street, sidewalk, right-of-way, or other public area.”

**OTHER RELEVANT STATE STATUTE:**

- Interference with access to or egress from a medical facility: MD. CODE ANN., CRIM. LAW § 10-204 (2014).

## MASSACHUSETTS

### INJUNCTIONS:

*Planned Parenthood League of Massachusetts v. Bell*, 677 N.E.2d 204 (Mass. 1997).

**Anti-Abortion Activity:** An anti-abortion extremist disguised herself as a clinic escort by wearing a “pinney” similar to those worn by legitimate clinic escorts, harassed and intimidated patients trying to enter the clinic by crowding and blocking them, and screamed so loudly that she could be heard by those inside the building.

#### Relevant Provisions:

- 50-foot buffer between the defendant and the clinic.
- No obstruction of access to the clinic.
- May not make sound audible within the clinic.
- May not dress similar to clinic escorts.

*Planned Parenthood League of Massachusetts v. Blake*, 631 N.E.2d 985 (Mass. 1994).

**Anti-Abortion Activity:** Anti-abortion extremists blockaded clinics across the state. The extremists also invaded clinics, using their bodies or U-shaped bicycle locks or both, to prevent others from entering, leaving, or using the clinic facilities.

#### Relevant Provisions:

- Prohibits obstruction of clinic access.
- Prohibits the use of force against anyone entering, leaving, or working at the clinic.

### FACILITY STATUTE:

Massachusetts – MASS. GEN. LAWS ANN. ch. 266, § 120E ½ (2015).

**Relevant Provision:** Revised statute allows the police to order any individual or group substantially impeding access to a facility to move at least 25 feet from the facility door or driveway for eight hours, or until the facility closes. Also prohibits knowingly impeding access to an entrance or driveway, recklessly interfering with the operation of a motor vehicle that is nearing a facility, and using force to injure or intimidate patients or staff.

**Relevant Cases:** *McCullen v. Coakley*, 134 S. Ct. 2518 (2014) (statute ruled unconstitutional as content-neutral but not narrowly tailored). Original statute created bubble zones within an 18-foot buffer zone and was subsequently amended to create a 35-foot buffer zone around facility entrances, exits, and driveways. Statute was revised again following the *McCullen* decision.

### OTHER RELEVANT STATE STATUTE:

- Obstruction of access to medical facilities: MASS. GEN. LAWS ANN. ch. 266, § 120E (2015).

## MICHIGAN

### FACILITY ORDINANCE:

Ann Arbor, MI – Ann Arbor, Mich., City Council Resolution (Jan. 22, 1991).

**Relevant Provisions:** The resolution “vacated in its entirety the public right of way in and around the cul-de-sac, reserving only an easement for public utility purposes.” This allows the city to enforce trespass laws against protesters in the cul-de-sac.

**Relevant Cases:** *Thomas v. Jernigan*, 770 F. Supp. 1195 (E.D. Mich. 1991) (ordinance ruled unconstitutional as content-based and not narrowly tailored).

#### **RESIDENTIAL PICKETING LAWS:**

**Michigan – MICH. COMP. LAWS SERV. § 423.9f (2015).**

**Relevant Provision:** Prohibits “picketing a private residence by any means or methods...”

**Relevant Cases:** *Ellsworth v. City of Lansing*, 205 F.3d 1340 (6th Cir. 2000).

**Sterling Heights, MI – STERLING HEIGHTS, MICH., CODE OF ORDINANCES § 35-16A (2015).**

**Relevant Provisions:** Prohibits targeted picketing “before, about, or immediately adjacent to a targeted residence...Before, about, or immediately adjacent to means in front of or within one residence on either side of a targeted residence and on the same side of the street as the targeted residence.”

#### **OTHER RELEVANT STATE STATUTE:**

- Prohibited conduct in a health facility: MICH. COMP. LAWS SERV. § 333.20198 (2015).

## **MINNESOTA**

#### **FACILITY ORDINANCES:**

**St. Paul, MN – MINN. STAT. § 609.7495 (2015).**

**Relevant Provisions:** The City of St. Paul, preparing for a large scale anti-abortion action, relied upon a state statute prohibiting the obstruction of access to a health facility and temporarily erected a fence that created a buffer zone encompassing a clinic’s property and the sidewalk in front of the clinic. Only invitees of the clinic were permitted to cross the sidewalk to enter the clinic.

**Relevant Cases:** *Fischer v. City of St. Paul*, 894 F. Supp. 1318 (D. Minn. 1995) (ordinance ruled constitutional).

**White Bear Township, MN – White Bear, Minn., Ordinance 63 (May 21, 1990).**

**Relevant Provision:** Prohibits targeted residential picketing, defined as activity focused on a single residential dwelling without the consent of the dwelling’s occupant.

**Relevant Cases:** *State v. Castellano*, 506 N.W.2d 641 (Minn. Ct. App. 1993) (ordinance ruled constitutional).

#### **RESIDENTIAL PICKETING ORDINANCES:**

**Edina, MN – EDINA, MINN., CODE OF ORDINANCES § 22-301 (2015).**

**Relevant Provision:** Prohibits picketing “in front of, on or about” any residence.

**Maplewood, MN – MAPLEWOOD, MINN., CODE OF ORDINANCES § 24-88 (2012).**

**Relevant Provision:** Prohibits residential picketing within the city.

**Woodbury, MN – WOODBURY, MINN., CODE OF ORDINANCE § 13-10 (2015).**

**Relevant Provisions:** Prohibits targeted residential picketing within the city.

## MISSISSIPPI

### INJUNCTION:

*United States v. McMillan*, 946 F. Supp. 1254 (S.D. Miss. 1995).

**Anti-Abortion Activity:** An anti-abortion extremist threatened to shoot clinic employees, attempted to hire someone to burn down the clinic, and made threatening statements on multiple occasions.

### Relevant Provisions (granted under federal FACE Act):

- Defendant may not violate FACE anywhere in the United States.
- 25-foot buffer zone around clinic entrance and the physician's residence.
- Prohibits intentionally damaging or attempting to damage the clinic.
- Prohibits using force or threats of force to interfere with or intimidate employees or patients.

## MISSOURI

### INJUNCTION:

*United States v. Dinwiddie*, 76 F.3d 913 (8th Cir. 1996).

**Anti-Abortion Activity:** An anti-abortion extremist yelled threatening remarks at a doctor and staff members through an electric bullhorn; blocked patients from entering the clinic; and used the bullhorn to physically assault a clinic employee.

### Relevant Provisions (granted under federal FACE Act):

- 500-foot buffer zone around clinic, except for "legitimate personal activity."
- No bullhorn or megaphone use.
- Defendant may not engage in activity that constitutes intimidation, physical obstructions, interference, force, or threats of force.

### RESIDENTIAL PICKETING ORDINANCE:

**Ladue, MO – LADUE, MO., CODE OF ORDINANCES § 90-223 (2015).**

**Relevant Provision:** Prohibits picketing "before or about" a residence or dwelling.

## MONTANA

### FACILITY STATUTE:

**Montana – MONT. CODE ANN. § 45-8-110 (2015).**

**Relevant Provision:** Creates an eight-foot cease-and-desist bubble zone within a 36-foot buffer zone around health care clinics.

## NEBRASKA

### RESIDENTIAL PICKETING LAWS:

**Nebraska – NEB. REV. STAT. §§ 28-1317 – 28-1318 (2015).**

**Relevant Provisions:** § 28-1317 prohibits picketing that includes attempting to interfere or interfering with a person’s exercise of his or her lawful right to work or right to enter upon any lawful employment. Lists a variety of actions, including: “picketing or patrolling the place of residence of any such person, or any street, alley, road, highway, or any other place, where such person may be, or in the vicinity thereof, for such purpose, against the will of such person.” § 28-1318 prohibits mass picketing, defined as “any form of picketing in which pickets constitute an obstacle to the free ingress and egress to and from the premises being picketed or any other premises, or upon the public roads, streets, or highways, either by obstructing by their persons or by the placing of vehicles or other physical obstructions.”

**Relevant Cases:** *United Food & Commercial Workers Int’l Union v. IPB, Inc.*, 857 F.2d 422 (8th Cir. 1988) (ordinance ruled unconstitutional for over breadth because it does not define that distance limitations only apply in situations of violence; speech restrictions violated free speech rights; *amended by* Laws 2007, LB 1 (September 1, 2007) to remove unconstitutional language).

**Beatrice, NE – BEATRICE, NEB., CODE OF ORDINANCES § 17-28 (2015).**

**Relevant Provisions:** Prohibits picketing that interferes with an individual’s “right to work, or right to enter upon or pursue any lawful employment.” Also prohibits interference through 1) use of threatening language toward an individual with the purpose of inducing or influencing an individual to quit employment; 2) following or intercepting an individual against their will; 3) Menacing, threatening, coercing, intimidating or frightening in any manner; and committing an assault on such a person.

**Lincoln, NE – LINCOLN, NEB., MUN. CODE § 9.40.090 (2015)**

**Relevant Provisions:** Prohibits “focused picketing in that portion of any street which abuts on the property upon which the targeted dwelling is located, or which abuts on property within fifty feet (measured from the lot line) of the property upon which the targeted dwelling is located, except the sidewalk space on the opposite side of the street from the targeted dwelling.” Focused picketing includes “marching, congregating, standing, parading, demonstrating, parking, or patrolling by one or more persons, with or without signs,” directed at a specific person.

**Relevant Cases:** *Thorburn v. Austin*, 231 F.3d 1114 (8th Cir. 2000) (ordinance ruled constitutional).

## NEVADA

### INJUNCTION:

*Sw. Med. Clinics of Nevada v. Operation Rescue*, 744 F. Supp. 230 (D. Nev. 1989).

**Anti-Abortion Activity:** Between January-June 1989, Operation Rescue protesters physically blocked the entrance to several clinics either by sitting or standing with interlocked arms. These blockades prevented building tenants, not related to the clinics, from entering the premises. Protesters also physically and verbally harassed patients and clinic staff entering the building.

### **Relevant Provisions (granted under federal FACE Act):**

- No trespassing, blocking, or obstructing a clinic entrance or exit.
- No “knowingly threatening, molesting, assaulting, physically abusing, or tortuously harassing a person, property, or vehicle; including patients and employees.”
- “Sidewalk counseling” allowed so long as it is not forced.
- Violations of the injunction will result in \$500 fine.

## NEW HAMPSHIRE

### FACILITY LAWS:

**New Hampshire – N.H. REV. STAT. § 132:38 (2014).**

**Relevant Provisions:** Creates a 25-foot buffer zone around any “entrance, exit, or driveway of a reproductive health care facility” where persons may not knowingly enter or remain on with exception of those entering or exiting the facility, employees or agents of the facility within the scope of their employment, emergency or public employees within the scope of their employment, and persons using the sidewalk for the purpose of reaching a destination other than the facility.

**Relevant Cases:** State of New Hampshire agreed not to enforce the statute while a review is pending to determine the statute’s constitutionality following *McCullen*.

**Concord, NH – CONCORD, N.H., CODE OF ORDINANCES, §§ 4-9-1 – 4-9-3 (2014).**

**Relevant Provisions:** Allows police to order those blocking access to a facility to disperse from within 50 feet of a health care facility until 8:00 am the following day.

**Relevant Cases:** *McCullen v. Coakley*, 134 S. Ct. 2518 (2014). Original ordinance, which created a 10-foot buffer zone around the property line of a health care facility where persons may not picket in an aggressive manner, obstruct traffic, or block entrances to the facility as well as an eight-foot cease-and-desist bubble zone around any person who makes a clearly communicated request that another person withdraw, was revised following *McCullen* decision.

### RESIDENTIAL PICKETING ORDINANCE:

**Concord, NH – CONCORD, N.H., CODE OF ORDINANCES, § 4-8-3 (2014).**

**Relevant Provisions:** Prohibits “demonstration activity which is directed, focused, or targeted at a residence located in a nonresidential zoning district and which takes place before or about that



residence.” Exception for picketing a residence that is used as a place of business or public assembly.

## NEW JERSEY

### INJUNCTIONS:

*Murray v. Lawson*, 649 A.2d 1253 (N.J. 1994).

**Anti-Abortion Activity:** Anti-abortion extremists picketed outside the home of a doctor who provided abortions.

#### Relevant Provisions:

- Establishes a picket-free zone of 100 feet from the residence property line.
- Limits size of protests to 10 people outside the 100-foot zone for one hour every two weeks.
- Protesters must notify local law enforcement 24 hours in advance of intended picketing.

*United States v. Gregg*, 226 F.3d 253 (3d Cir. 2000).

**Anti-Abortion Activity:** Extremists participated in three blockades of the clinic and attempted a fourth blockade. One blockade consisted of a group of five individuals who blocked the interior entrance to the clinic reception and waiting area by sitting in front of a stairway and chaining themselves together with bicycle locks around their necks. The other two blockades consisted of groups of extremists who sat or lay in front of the exterior clinic entrance with locked arms and legs.

#### Relevant Provisions (granted under federal FACE Act):

- No blockading, impeding, or attempting to blockade the clinic entrance.
- No entering the interior of the clinic.
- Extremists jointly and severally liable for \$5,000 per violation based on the statutory damages provision of FACE.

## NEW MEXICO

### RESIDENTIAL PICKETING ORDINANCES:

Albuquerque, NM – ALBUQUERQUE, N.M., CODE OF ORDINANCES § 12-2-26 (2013).

**Relevant Provision:** Prohibits picketing “focused on and taking place in front of or next to a particular residence, without the express prior consent of the occupant(s).”

Artesia, NM – ARTESIA, N.M., CITY CODE title 5, ch. 1, art. B, § 347 (2013).

**Relevant Provision:** Prohibits picketing before or about the residence or dwelling of any individual.

**Relevant Cases:** *Garcia v. Gray*, 507 F.2d 539 (10th Cir. 1974), *cert. denied*, 421 U.S. 971 (1975) (ordinance ruled constitutional).

Bernalillo Cnty., NM –BERNALILLO CNTY., N.M. CODE OF ORDINANCES § 54-57 (2015).

**Relevant Provision:** Prohibits picketing focused on and near a particular residence without the express prior consent of the owner.

## NEW YORK

### INJUNCTIONS:

*New York v. Kraeger*, 160 F. Supp. 2d 360 (N.D.N.Y. 2001).

**Anti-Abortion Activity:** Anti-abortion extremists followed clinic staff and made threats against them. The extremists blocked clinic entrances and driveways, crowded and shoved patients, yelled at patients, and followed patients to and from their cars.

**Relevant Provisions (granted under federal FACE Act):**

- No trespassing on, obstructing access to, or blocking the driveways or other property of any facility providing reproductive health care.
- No trespassing on, obstructing access to, or blocking common stairwells or lobby areas that provide access to reproductive health care facilities.
- No physically abusing, grabbing, touching, pushing, shoving, crowding, or harassing anyone entering or exiting a reproductive health care facility.
- No using sound amplification devices or making excessively loud noise that injures, disturbs, or endangers the health or safety of reproductive health care facility patients or staff.
- No defacing, vandalizing, or damaging the property of a reproductive health care facility.

*New York v. Operation Rescue Nat'l*, 273 F.3d 184 (2d Cir. 2001).

**Anti-Abortion Activity:** Anti-abortion extremists physically obstructed clinic entrances by crowding patients and their escorts as they entered and exited clinics and by walking very slowly in front of driveways. Extremists approached and distracted oncoming cars in aggressive ways, which created traffic hazards. The extremists were also noisy, shouting at close range and using bullhorns. One anti-abortion extremist threatened a doctor, telling him that abortion is no different than killing doctors.

**Relevant Provisions:**

- 15-foot buffer zone, rectangular shape.
- Eliminates prior exception for “sidewalk counselors.”
- Bars protest activity within three feet of the city bus stop sign and bus stop bench.
- Creates a no-protest corridor three feet from building façade connecting the driveway and front-entrance buffer zones to ease crowding problems.

*Schenk v. Pro-Choice Network*, 519 U.S. 357 (1997).

**Anti-Abortion Activity:** Anti-abortion extremists organized large scale blockades in which they would march, stand, kneel, sit, or lie in parking lot driveways and in doorways. Extremists blocked or hindered cars from entering clinic parking lots, and patients, doctors, nurses, and other clinic employees from entering the clinics. Extremists trespassed onto clinic parking lots

and even entered the clinics themselves, threw themselves on the hoods of cars, or crowded around cars as they attempted to turn into parking lot driveways. Extremists grabbed and shoved women entering the clinics and shouted in their faces. Clinic volunteers were elbowed, grabbed, or spit on. Extremists stood in clinic doorways blocking others from entering and exiting.

**Relevant Provisions (granted under federal FACE Act):**

- 15-foot fixed buffer zone around the driveway and the clinic entrances.
- No more than two “sidewalk counselors” are allowed in the fixed buffer zone, but they must cease-and-desist if requested to do so by their targets.
- No loudspeakers or amplification devices.
- No physical abuse, grabbing, pushing, touching, or shoving.

**FACILITY STATUTE:**

**New York City, NY – NEW YORK, N.Y., ADMIN CODE §§ 8-801 to 8-807 (2015).**

**Relevant Provisions:** § 8-803 prohibits activities, and attempted activities, preventing access to reproductive health care facilities, including: 1) knowingly physically obstructing another person from entering into or exiting from a reproductive health care facility by physically striking, showing, restraining, grabbing, or other unwanted physical contact; 2) knowingly obstructing a reproductive health care facility; 3) harassing a person within 15 feet of a reproductive health care facility; 4) engaging in conduct within 15 feet of a reproductive health care facility which places another person in reasonable fear of physical harm; 5) physically damaging a reproductive health care facility so as to interfere with its operation; or 6) knowingly interfering with the operation of a reproductive health care facility, by activities including, interfering with medical procedures being performed or the delivery of goods to the facility.

**RESIDENTIAL PICKETING ORDINANCE:**

**Goshen, NY – GOSHEN, N.Y., CODE OF ORDINANCES § 42-163 (2014).**

**Relevant Provision:** Prohibits picketing within residential districts directed against the occupants of a residence without the express prior consent of the resident.

**OTHER RELEVANT STATE STATUTES:**

- Criminal interference with health care services: N.Y. PENAL LAW §§ 240.70 – 240.71 (2015).
- New York Freedom of Access to Clinic Entrances Act: N.Y. CIV. RIGHTS LAW § 79-m (2015).

## NORTH CAROLINA

**INJUNCTION:**

***Kaplan v. Prolife Action League*, 431 S.E.2d 828 (N.C. App. 1993).**

**Anti-Abortion Activity:** Anti-abortion extremists picketed a dozen times outside the doctor’s home, threatened the doctor’s life, and attempted to coerce the doctor to stop providing abortions.

**Relevant Provisions:**

- Restricts “picketing, parading, marching, or demonstrating” on plaintiff doctor’s street or within 300 feet of that street.
- Prohibits threatening or communicating threats at doctor’s home or elsewhere.
- Prohibits personally confronting the doctor in a threatening manner.

**FACILITY STATUTE:**

**North Carolina – N.C. GEN. STAT. § 14-277.4 (2014).**

**Relevant Provisions:** Prohibits obstructing or blocking another person’s access to or egress from a health care facility or 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. Also prohibits injuring or threatening 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.

**RESIDENTIAL PICKETING ORDINANCE:**

**Greensboro, NC – GREENSBORO, N.C., MUN. CODE § 26-157(b) (2015).**

**Relevant Provision:** Prohibits picketing “solely in front of, before, or about the residence or dwelling of any individual.”

**NORTH DAKOTA**

**INJUNCTIONS:**

***Fargo Women’s Health Org. v. Lambs of Christ*, 488 N.W.2d 401 (N.D. 1992).**

**Anti-Abortion Activity:** Anti-abortion extremists pushed and shoved patients and escorts, screamed at them, blocked patients, and punched and threatened clinic security guards. Anti-abortion extremists attempted to prevent cars from moving by slowing or stopping them and trying to damage them. Extremists also invaded clinics, broke down doors, and locked themselves together with bicycle U-locks. Anti-abortion extremists followed clinic employees to their homes, to grocery stores, and other public buildings; picketed their homes; and vandalized their property.

**Relevant Provisions:**

- 100-foot buffer zone, extending from the property line.
- Prohibits “following, photography, videotaping.”
- Prohibits harassing, intimidating or physically abusing persons entering, leaving, or working at the clinics and the spouses and family members of those persons.

***United States v. Lindgren*, 883 F. Supp. 1321 (D.N.D. 1995).**

**Anti-Abortion Activity:** Anti-abortion extremists threatened to kill clinic employees and followed clinic employees home to harass and intimidate them. Extremists also threatened to damage clinic property, blockaded the clinic by locking their necks to disabled cars in the clinic driveway, and obstructed vehicle access to the clinic parking lot by standing in front of cars and forcing literature on passengers.

**Relevant Provisions (granted under federal FACE Act):**

- 100-foot buffer zone around clinic property line and employees' residences.
- 100-foot bubble around clinic employees.
- No blocking of driveway, private sidewalk, or access to driveway.
- No stepping on property (including the driveway and sidewalk).
- No stepping on property that extends north and south from the borders of the driveway to the public road to the east; this includes a portion of the public sidewalk and the apron of the driveway.

#### **RESIDENTIAL PICKETING ORDINANCE:**

**Fargo, ND – FARGO, N.D., MUN. CODE § 10-1202 (1985), *repealed by* Fargo, N.D., Ordinance 2843 (1998).**

**Relevant Provisions:** Prohibits engaging “in picketing the dwelling of any individual in the City of Fargo.” “Dwelling” includes any structure or building or dwelling unit within a building, which is used as a place of residence. “Picketing” includes the practice of standing, marching, or patrolling by one or more persons inside of, in front, or about any premises for the purpose of persuading an occupant of such premises or to protest some action, attitude, or belief.

**Relevant Cases:** *Veneklase v. City of Fargo*, 248 F.3d 738 (8th Cir. 2001), *cert. denied*, 543 U.S. 815 (2001) (ordinance ruled constitutional).

## **OHIO**

#### **INJUNCTIONS:**

***Dayton Women’s Health Ctr. v. Enix*, 589 N.E.2d 121 (Ohio Ct. App. 1991).**

**Anti-Abortion Activity:** Various anti-abortion activities included picketing of the clinic; residential picketing at the homes of clinic staff; and harassing patients, using large signs (including those that mimicked traffic signs to confuse and interfere with traffic). The yelling, chanting, and singing were often heard inside the clinic, disrupting medical services.

#### **Relevant Provisions:**

- No blocking or interfering with clinic driveway, traffic flow, or individuals’ access to the clinic.
- No using signs greater than four feet in any dimension, including signs resembling traffic signs.
- No speaking, chanting, or yelling in a way that reaches or intends to reach the people inside the clinic.
- No trespassing on clinic property.
- No verbal communication with employees, staff, or volunteers without their consent (in person or via the phone).
- No picketing in any form within viewing distance in any location other than the sidewalk on the east side of the drive in front of the clinic, or within the viewing distance of any of the physicians’ offices.
- No picketing at the homes of any clinic workers.
- No picketing in any form within viewing distance of the clinic in groups of more than ten.

- No picketing on the west side of the road within viewing distance of the clinic.

*Planned Parenthood Ass'n of Cincinnati v. Project Jericho*, 556 N.E.2d 157 (Ohio 1990).

**Anti-Abortion Activity:** Anti-abortion protesters engaged in various activities, including picketing and shouting so loudly that it disrupted services inside the clinic; harassing patients entering and leaving the building; and blocking sidewalk access to the clinic, as well as an adjacent apartment building (where the protesters' shouting was heard inside).

**Relevant Provisions:**

- Bans shouting, chanting, speaking, or singing that does or is intended to reach patients inside the clinic.
- Prohibits interfering with clinic operations, harassing patients and staff, and blocking access to clinics.
- Limits number of picketers based on street locations.

**FACILITY ORDINANCE:**

**Cincinnati, OH – CINCINNATI, OHIO MUN. CODE § 907-5 (2015).**

**Relevant Provisions:** Makes it a crime to trespass on a medical facility's property and allows for more severe penalties than for violation of the state law against trespassing. The ordinance prohibits knowingly, recklessly, or negligently entering or remaining on the premises of a medical facility without the privilege to do so.

**Relevant Cases:** *City of Cincinnati v. Thompson*, 643 N.E.2d 1157 (Ohio Ct. App.), *appeal dismissed*, 641 N.E.2d 1111 (Ohio 1994) (ordinance ruled constitutional).

**RESIDENTIAL PICKETING ORDINANCE:**

**Upper Arlington, OH – UPPER ARLINGTON, OHIO CODIFIED ORDINANCES § 517.17 (1992).**

**Relevant Provision:** Prohibits picketing before or about the residence or dwelling of any individual.

**Relevant Cases:** *Vittitow v. City of Upper Arlington*, 830 F. Supp. 1077 (S.D. Ohio 1993), *rev'd*, 43 F.3d 1100 (6th Cir. 1995), *cert. denied*, 515 U.S. 1121 (1995) (ordinance ruled unconstitutional as overbroad).

**OREGON**

**INJUNCTION:**

*Portland Feminist Women's Health Ctr. v. Advocates for Life*, 859 F.2d 681 (9th Cir. 1998).

**Anti-Abortion Activity:** Anti-abortion extremists surrounded the clinic entrances; pushed and grabbed at patients, staff, and passersby; and screamed and yelled loud enough to be heard inside the clinic. Extremists also used large signs and placards to block access to the clinic entrances, forced literature on those uninterested in taking it, and impeded the access of an ambulance.

**Relevant Provisions (granted under federal FACE Act):**

- Defendants may not obstruct clinic access.
- Buffer zone based on the geography of the clinic and its doors.

- No yelling, screaming, or chanting that substantially interferes with the provision of medical services.
- No trespassing; damaging the property of the clinic, employees, or patients; or interfering with the clinic's use of public utilities.

**OTHER RELEVANT STATE STATUTE:**

- Criminal mischief: OR. REV. STAT. § 164.365 (2015).

**PENNSYLVANIA**

**INJUNCTION:**

*United States v. Roach*, 947 F. Supp. 872 (E.D. Pa. 1996).

**Anti-Abortion Activity:** Anti-abortion extremists blocked all entrances and exits to the clinic, including the fire escape and refused to let anyone out, except for the clinic's Executive Director. The blockades continued after law enforcement officials ordered the extremists to leave; two patrolmen, attempting to aid a clinic client into the building, were prevented from entering by protesters; and protesters had to be physically removed from the premises.

**Relevant Provisions (granted under federal FACE Act):**

- No entering or remaining on private property of clinic, not including sidewalks.
- No standing, sitting, lying in front of or otherwise blocking or obstructing doors, fire escapes, or entryways so as to render them impassable.
- No touching or engaging in physical contact with any person(s) or car(s) on clinic property.
- Prohibits defendants from violating FACE anywhere.

**FACILITY ORDINANCE:**

**Harrisburg, PA – HARRISBURG, PA., CODE OF ORDINANCES § 3-371 (2014).**

**Relevant Provisions:** The ordinance prohibits congregating, patrolling, picketing, or demonstrating in a buffer zone extending 20 foot from any portion of an entrance to, exit from, or driveway of a health care facility.

**Pittsburgh, PA – PITTSBURGH, PA., CODE OF ORDINANCES §§ 623.03 – 623.05 (2015).**

**Relevant Provisions:** The ordinance prohibits congregating, patrolling, picketing, or demonstrating within 15 feet of any entrance to a hospital, medical office, or medical clinic and creates escalating fines for repeated violations. There are exceptions for emergency workers and escorts.

**Relevant Cases:** *Brown v. City of Pittsburgh*, 543 F. Supp. 2d 448 (W.D.Pa. 2008), *rev'd* 586 F.3d 263 (3d 2009) (ruled that the 15-foot or 100-foot buffer zone, alone, would be constitutional based on *Hill v. Colorado*, but that together, they were unconstitutional). The ordinance originally included an 8-foot bubble zone within 100 feet of a facility, but that provision was removed following the *Brown* decision leaving the 15-foot buffer zone in place. *Bruni v. City of Pittsburgh*, 2015 U.S. Dist. LEXIS 27681 (W.D. Pa. Mar. 6, 2015) (denying preliminary injunction and finding ordinance constitutional), *appeal filed*.

## RHODE ISLAND

### RESIDENTIAL PICKETING ORDINANCES:

**Barrington, RI – BARRINGTON, R.I., CODE § 138.2 (2014).**

**Relevant Provisions:** Prohibits picketing in front of, adjacent to, or with respect to any property used for a residential purpose. Exception for when such picketing relates to a use or activity being carried on within such property.

**Relevant Cases:** *Town of Barrington v. Blake*, 568 A.2d 1015 (1990) (ordinance ruled constitutional).

**North Kingstown, RI – NORTH KINGSTOWN, R.I., CODE OF ORDINANCES § 12-14 (2014).**

**Relevant Provision:** Prohibits picketing in front of, adjacent to, or with respect to any property used for a residential purpose. Exception for when such picketing relates to a use or activity being carried on within such property or the owner or occupant has consented to the picketing.

**Warwick, RI – WARWICK, R.I., MUN. CODE § 40-9 (2014).**

**Relevant Provisions:** Prohibits picketing “before or about” a residence. Nothing in residential picketing ordinance should be deemed to prohibit: 1) picketing in a lawful manner during labor dispute, or 2) holding a meeting or an assembly on any premises commonly used for discussions of public interest.

**Providence, RI – PROVIDENCE, R.I., CODE § 16-13.1 (2010).**

**Relevant Provision:** Prohibits picketing before or about the dwelling of an individual but exempts labor picketing.

**Relevant Cases:** *People Acting Through Community Effort v. Doorley*, 468 F.2d 1143 (1st Cir. 1972) (ordinance ruled unconstitutional).

## SOUTH DAKOTA

### RESIDENTIAL PICKETING ORDINANCE:

**Sioux Falls, SD – SIOUX FALLS, S.D., MUN. CODE § 96.192 (2015).**

**Relevant Provision:** Prohibits “picketing before or about the residence or dwelling of any individual in the city.”

## TEXAS

### INJUNCTIONS:

***Operation Rescue v. Planned Parenthood*, 975 S.W. 2d 546 (Tex. 1998).**

**Anti-Abortion Activity:** Anti-abortion extremists coordinated mass demonstrations in the Houston area at the same time as the Republican National Convention. They organized mass



blockades and “rescues,” sitting-in and chaining themselves to doors and fixtures on clinic premises. The extremists also congregated and picketed at physicians’ homes.

**Relevant Provisions:**

At Facilities:

- Buffer zones granted for four specific facilities.
- Defendants may not enter without consent or damage any part of the premises, facilities, and parking lots.
- No blocking or attempting to block, barricade, or in any other manner obstruct the entrances to, or the clinic premises.
- No inhibiting, impeding, obstructing or interfering with, or attempting to inhibit, impede, or obstruct or interfere with the free and unmolested ingress and egress of persons (either pedestrian or vehicular) to and from the facilities and parking lots and the streets and sidewalks adjacent to the facilities and parking lots.
- No touching, physically abusing, intimidating, or harassing any individual attempting to enter or exit the facilities or parking lots.
- No demonstrating (defined as publicly displaying, manifesting, or expressing one's feelings or opinions by oral or other expression, including “sidewalk counseling”).
- No more than two demonstrators may be present within a zone.
- Defendants may not yell, shout, speak above a normal speaking voice, or use any sound amplification device.
- “Sidewalk counseling” is allowed, but no more than one demonstrator may talk to or attempt to talk to a person or group of persons at a time, and no person or group of persons may be approached more than once going into the clinic and once going out. The demonstrator must stop talking and retreat when a targeted person verbally indicates a desire to be left alone.

At Physicians’ Residences:

- Creates 13-foot zones from property line into streets bordering the residences.
- No trespassing on, sitting in, blocking, or impeding physicians, their family members, their guests, or invitees from access to, ingress into, or egress from any part of physicians’ residences.
- No inhibiting, impeding, or attempting to impede or inhibit the free ingress or egress of any person to the streets that provide access to the streets on which the physicians’ residences are located.
- No harassing, threatening, assaulting, or physically abusing physicians, their family members, guests, or invitees.
- No congregating, picketing, patrolling, or demonstrating within 13-foot buffer zones around physicians’ residences. This provision expressly prohibits the placement of any signs, symbols, pictures, or other items from being exhibited or erected on physicians’ property or within the above-designated zones.
- No congregating, picketing, patrolling, or demonstrating in the vicinity of physicians’ residences for more than 45 minutes in any 24-hour period.

- No using any sound amplification devices while demonstrating within 100 feet of physicians' residences.

*United States v. Bird*, 124 F.3d 667 (5th Cir. 1997), *amended by* No. 95-20792, 1997 U.S. App. LEXIS 33988 (5th Cir. 1997).

**Anti-Abortion Activity:** An anti-abortion extremist threw a bottle at a doctor's car as he was driving to work at a clinic and shouted threatening remarks.

**Relevant Provision (granted under federal FACE Act):**

- Defendant must stay at least 1000 feet away from all abortion clinics.

**FACILITY ORDINANCE:**

Dallas, TX – DALLAS, TEX., CITY CODE § 30-4 (2015).

**Relevant Provisions:** Prohibits operation of loudspeakers within 150 feet of medical facilities and hospitals (as well as schools in operation and nursing homes).

**Relevant Cases:** *Medline v. Palmer*, 874 F.2d 1085 (5th Cir. 1989), *rh'g denied*, Nos. 88-1060, 88-1118, 88-1646, 1989 U.S. App. Lexis 11680 (5th Cir. 1989) (ordinance ruled constitutional).

**RESIDENTIAL PICKETING ORDINANCE:**

Bellaire, TX – BELLAIRE, TEX., CODE OF ORDINANCES § 22-29 (2014).

**Relevant Provision:** Prohibits picketing that is "targeted at or within" 300 feet of residence.

Dallas, TX – DALLAS, TEX., CITY CODE § 31-34 (2015).

**Relevant Provision:** Prohibits picketing within 200 feet of the property line of a residence "when the picketing is directed or focused at that particular residence or any of its occupants."

Pasadena, TX – PASADENA, TEX., CODE OF ORDINANCES § 36-193 (2014).

**Relevant Provision:** Prohibits targeted picketing of any residence within the city.

Pearland, TX – PEARLAND, TEX., CODE OF ORDINANCES § 20-15 (2014).

**Relevant Provision:** Prohibits targeted picketing within 50 feet of the targeted property.

West University Place, TX – WEST UNIVERSITY PLACE, TEX., CODE OF ORDINANCES § 46-188 (2015).

**Relevant Provision:** Prohibits focused picketing before or about any residence within the city.

## UTAH

**RESIDENTIAL PICKETING ORDINANCE:**

Salt Lake County, Utah – SALT LAKE CNTY., UTAH CODE OF ORDINANCES § 10.34.010 (2015).

**Relevant Provision:** Prohibits targeted residential picketing.

## VERMONT

### FACILITY ORDINANCE:

**Burlington, VT – BURLINGTON CODE OF ORDINANCES § 21-114 (2014).**

**Relevant Provision:** Ordinance prohibits knowingly obstructing, detaining, hindering, impeding, harassing or blocking another person’s entry to or exit from a reproductive health care facility. Police may also order individuals to withdraw 25 feet from the facility entrance or driveway with the order remaining in effect for 12 hours.

**Relevant Cases:** *Clift v. City of Burlington*, 925 F. Supp. 2d 614 (D. Vt. 2013) (ordinance ruled constitutional); *McCullen v. Coakley*, 134 S. Ct. 2518 (2014). (Original ordinance, which created a 35-foot buffer zone around reproductive health care clinic entrances and driveways with an exception for employees and agents of the facility, was revised following *McCullen* decision.)

## VIRGINIA

### RESIDENTIAL PICKETING STATUTE:

**Virginia – VA. CODE ANN. § 18.2-419 (2015).**

**Relevant Provisions:** Prohibits picketing before or about a person’s residence or assembling “in a manner which disrupts or threatens to disrupt any individual’s right to tranquility in his home...nothing herein shall be deemed to prohibit: 1) the picketing in any lawful manner, during a labor dispute, of the place of employment involved in such labor dispute; 2) the picketing in any lawful manner of a construction site; or 3) the holding of a meeting or assembly on any premises commonly used for the discussion of subjects of general public interest.”

**Relevant Cases:** *Commonwealth v. Hyatt*, 37 Va. Cir. 384 (Va. Cir. Ct. 1995) (statute ruled unconstitutional because it discriminated among picketers based on subject matter).

## WASHINGTON

### OTHER RELEVANT STATE STATUTES:

- Reproductive Privacy Act, WASH REV. CODE § 9.02 (2015).
- Property insurance protection for health care facilities from actions resulting from arson or malicious mischief: WASH. REV. CODE § 48.18.555 (2015).
- Washington Interference with Health Care Facilities or Providers Act: WASH. REV. CODE ANN. § 9A.50 (2015).
- Cyberstalking, WASH. REV. CODE § 9.61.260 (2015).
- Cyberstalking, Seattle, Wash. Mun. Code § 12A.06.045 (2015).

## WISCONSIN

### INJUNCTIONS:

***Milwaukee Women’s Med. Serv. v. Brock*, 2 F. Supp. 2d 1172 (E.D. Wis. 1998).**

**Anti-Abortion Activity:** Anti-abortion extremists chained themselves to disabled cars and a fuel drum filled with concrete in order to blockade the clinic.

**Relevant Provision (granted under federal FACE Act):**

- No blockading or obstructing the clinic.

*Tompkins v. Cyr*, 202 F.3d 770 (5th Cir. 2000).

**Anti-Abortion Activity:** Anti-abortion extremists demonstrated outside the home of the doctor, outside the hospital where he worked, outside his wife’s workplace, and outside the couple’s church. Extremists carried graphic signs and called the doctor a “murderer” and a “tool of Satan.” Extremists also called the doctor’s house at all hours, sent postcards and letters, made death threats, trespassed, and otherwise stalked the doctor.

**Relevant Provisions (granted under federal FACE Act):**

- No demonstrations on more than two days a week; no more than one demonstration a day, and may not demonstrate on Sundays.
- Defendants may only demonstrate between 9:00 AM and 6:00 PM, and may only demonstrate for 20 minutes.
- No blocking, obstructing, or trespassing on the doctor’s residential property.
- No lurking within 1500 feet of the doctor’s residential property at night.

#### **FACILITY ORDINANCE:**

**Madison, WI – MADISON, WIS. CODE OF ORDINANCES § 23.01 (2015).**

**Relevant Provision:** The ordinance was revised following the *McCullen* decision to prohibit physically and intentionally obstructing, detaining, hindering, impeding or blocking access to a reproductive health care facility.

**Relevant Cases:** *Madison Vigil for Life, Inc. v. City of Madison*, 1 F. Supp. 3d 892 (W.D. Wis. 2014) (reasoning that the ordinance was likely to be found constitutional under *Hill v. Colorado* and denying an preliminary injunction against the enforcement of the ordinance); *McCullen v. Coakley*, 134 S. Ct. 2518 (2014). Original ordinance, which created an 8-foot bubble zone within 160 feet of a health clinic that prohibited passing out literature, displaying signs, or engaging in oral protest, education, or counseling with an individual, was revised following *McCullen* decision.

#### **RESIDENTIAL PICKETING ORDINANCES:**

**Brookfield, WI – BROOKFIELD, WIS., MUN. CODE § 9.12.070 (2015).**

**Relevant Provision:** Prohibits picketing “before or about the residence or dwelling of any individual in the Town.”

**Relevant Cases:** *Frisby v. Schultz*, 487 U.S. 474 (1988) (ordinance ruled constitutional).

**Brown Deer, WI – BROWN DEER, WIS. CODE OF ORDINANCES § 34-102 (2014).**

**Relevant Provision:** Prohibits picketing “before or about” the residence of any individual.

**Greenfield, WI – GREENFIELD, WIS. CODE OF ORDINANCES § 10.10 (2104).**

**Relevant Provision:** Prohibits picketing “before or about” a residence of any individual.

**Ripon, WI – RIPON, WIS. CODE OF ORDINANCES § 12.58.010 (2014).**

**Relevant Provision:** Prohibits picketing “before or about” the residence of any individual.

**Wisconsin Rapids, WI – WISCONSIN RAPIDS, WIS., MUN. CODE § 25.27 (2014).**

**Relevant Provision:** Prohibits picketing “before or about” the residence of any individual in the city of Wisconsin Rapids.

**Wauwatosa, WI – WAUWATOSA, WISC. CODE OF ORDINANCES SEC. 7.52.020 (2105).**

**Relevant Provision:** Prohibits picketing “before or about” the residence of any individual.

**Whitewater, WI – WHITEWATER, WISC. CODE OF ORDINANCES SEC. 7.36.020(14) (2013).**

**Relevant Provision:** Prohibits picketing “before or about” the residence of any individual.

**OTHER RELEVANT STATE STATUTE:**

- Criminal trespass to a medical facility: WIS. STAT. § 943.145 (2014).

## List of Injunctions and Laws by Province

The following pages outline some of the injunctions and statutes that exist in each province. These listings are intended to provide an overview of the different strategies that reproductive health care facilities, providers, and patients have pursued over the course of many years to help ensure their safety from anti-abortion violence. This list is not exhaustive and is up to date as of June 10, 2015.

### ALBERTA

#### INJUNCTIONS:

##### Calgary, AB

A private injunction was sought as a result of consistent protesters and harassment of both facility staff and patients. A permanent injunction, action number 9101-19769 AD 2002, was obtained by court order from the Court of Queen's Bench of Alberta.

**Relevant Provisions:** Written description and map indicating where protesters are permitted.

##### Edmonton, AB

A private injunction was sought as a result of consistent protesters and harassment of both facility staff and patients

**Relevant Provisions:** Written description and map indicating where protesters are permitted.

### BRITISH COLUMBIA

#### STATUTE:

**British Columbia – Access to Abortion Services Act, 1996 R.S.B.C., ch. 1 (Can.).**

##### Relevant Provisions:

- Covers the entire province of British Columbia. Enacted at a facility when protesters have demonstrated.
- The statute creates “access zones” that include:
  - The land on which the abortion care facility is located and 10 meters surrounding the boundaries of the land; and
  - The land on which the residence of every doctor who provides abortion care is located and 160 meters surrounding the boundaries of the land.
- While in an access zone, a person must not:
  - Engage in sidewalk interference;
  - Protest;
  - Beset (continuously or repeatedly observe a service provider, doctor, or patient, or a building in which any of them resides or in which abortion care is provided; or place oneself close to, and to importune a service provider, doctor, or patient, for the purpose of dissuading them from providing or obtaining abortion care);

- Physically interfere with or attempt to interfere with a service provider, doctor, or patient; or
- Intimidate or attempt to intimidate a service provider, doctor, or patient.
- The Lieutenant Governor in Council may establish access zones for specific facilities.
- The statute also prohibits the graphic recording and harassment of a service provider, doctor, or patient while they are within an access zone.

## ONTARIO

### INJUNCTIONS:

#### Toronto, ON

A private injunction was sought as a result of consistent protesters and harassment of both facility staff and patients.

**Relevant Provision:** Establishes a 500-foot buffer zone around the facility.

#### Toronto, ON

A public injunction, entitled the “Dieleman Injunction,” was sought in 1994, as a result of consistent protesters and harassment of both facility staff and patients at several locations. The Attorney General for Ontario obtained injunction number 93-CQ-36131 in the General Division of the Ontario Courts.

#### Relevant Provisions:

- 60-foot no protest zone.
- 100-foot buffer zone of restricted access surrounds the no protest zone.
- 10-foot personal zone around staff and patients.
- 500-foot buffer zone around doctors’ homes.
- 15-foot buffer zone around doctors’ offices.

## QUÉBEC

### INJUNCTIONS:

#### Montreal, QC

A private injunction was ordered as a result of consistent protesters and harassment of both facility staff and patients that established a 100-foot buffer zone around the facility. The facility moved to a new location and obtained a temporary injunction protecting three facilities with a buffer zone of one city block. A semi-permanent injunction (Interlocutoire) is pending.

**Relevant Provision:** Establishes a 100-foot buffer zone around the facility.

#### Outaouais, QC

A private injunction was sought as a result of consistent protesters and harassment of both facility staff and patients.

**Relevant Provision:** Establishes a clearly delimited perimeter of approximately 150 meters around the facility.

## Appendix 1: Examples of Laws Protecting Reproductive Health Care Facilities, Staff, and Patients

### Federal Freedom of Access to Clinic Entrances (FACE) Act 18 U.S.C. § 248 (2015).

#### (a) Prohibited activities.--Whoever--

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

(2) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or

(3) intentionally damages or destroys the property of a facility, or attempts to do so, because such facility provides reproductive health services, or intentionally damages or destroys the property of a place of religious worship;

shall be subject to the penalties provided in subsection (b) and the civil remedies provided in subsection (c), except that a parent or legal guardian of a minor shall not be subject to any penalties or civil remedies under this section for such activities insofar as they are directed exclusively at that minor.

#### (b) Penalties.--Whoever violates this section shall--

(1) in the case of a first offense, be fined in accordance with this title, or imprisoned not more than one year, or both; and

(2) in the case of a second or subsequent offense after a prior conviction under this section, be fined in accordance with this title, or imprisoned not more than 3 years, or both;

except that for an offense involving exclusively a nonviolent physical obstruction, the fine shall be not more than \$10,000 and the length of imprisonment shall be not more than six months, or both, for the first offense; and the fine shall, notwithstanding section 3571, be not more than \$25,000 and the length of imprisonment shall be not more than 18 months, or both, for a subsequent offense; and except that if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

#### (c) Civil remedies.--



**(1) Right of action.--**

**(A) In general.--**Any person aggrieved by reason of the conduct prohibited by subsection (a) may commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a facility that provides reproductive health services, and such an action may be brought under subsection (a)(2) only by a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship or by the entity that owns or operates such place of religious worship.

**(B) Relief.--**In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.

**(2) Action by Attorney General of the United States.--**

**(A) In general.--**If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, the Attorney General may commence a civil action in any appropriate United States District Court.

**(B) Relief.--**In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent--

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

(ii) in an amount not exceeding \$15,000 for a nonviolent physical obstruction and \$25,000 for any other subsequent violation.

**(3) Actions by State Attorneys General.--**

**(A) In general.--**If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, such Attorney General may commence a civil action in the name of such State, as parens patriae on behalf of natural persons residing in such State, in any appropriate United States District Court.

**(B) Relief.--**In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B).

**(d) Rules of construction.**--Nothing in this section shall be construed--

(1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;

(2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, occurring outside a facility, regardless of the point of view expressed, or to limit any existing legal remedies for such interference;

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

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

**(e) Definitions.**--As used in this section:

(1) **Facility.**--The term “facility” includes a hospital, clinic, physician's office, or other facility that provides reproductive health services, and includes the building or structure in which the facility is located.

(2) **Interfere with.**--The term “interfere with” means to restrict a person's freedom of movement.

(3) **Intimidate.**--The term “intimidate” means to place a person in reasonable apprehension of bodily harm to him- or herself or to another.

(4) **Physical obstruction.**--The term “physical obstruction” means rendering impassable ingress to or egress from a facility that provides reproductive health services or to or from a place of religious worship, or rendering passage to or from such a facility or place of religious worship unreasonably difficult or hazardous.

(5) **Reproductive health services.**--The term “reproductive health services” means reproductive health services provided in a hospital, clinic, physician's office, or other facility, and includes medical, surgical, counseling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.

(6) **State.**--The term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

## **California Freedom of Access to Clinic and Church Entrances Act. CAL. PENAL CODE § 423 (2015).**

### **§ 423.1. Definitions**

The following definitions apply for the purposes of this title:

- (a) "Crime of violence" means an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another.
- (b) "Interfere with" means to restrict a person's freedom of movement.
- (c) "Intimidate" means to place a person in reasonable apprehension of bodily harm to herself or himself or to another.
- (d) "Nonviolent" means conduct that would not constitute a crime of violence.
- (e) "Physical obstruction" means rendering ingress to or egress from a reproductive health services facility or to or from a place of religious worship impassable to another person, or rendering passage to or from a reproductive health services facility or a place of religious worship unreasonably difficult or hazardous to another person.
- (f) "Reproductive health services" means reproductive health services provided in a hospital, clinic, physician's office, or other facility and includes medical, surgical, counseling, or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.
- (g) "Reproductive health services client, provider, or assistant" means a person or entity that is or was involved in obtaining, seeking to obtain, providing, seeking to provide, or assisting or seeking to assist another person, at that other person's request, to obtain or provide any services in a reproductive health services facility, or a person or entity that is or was involved in owning or operating or seeking to own or operate, a reproductive health services facility.
- (h) "Reproductive health services facility" includes a hospital, clinic, physician's office, or other facility that provides or seeks to provide reproductive health services and includes the building or structure in which the facility is located.

### **§ 423.2. Actions subject to punishment**

Every person who, except a parent or guardian acting towards his or her minor child or ward, commits any of the following acts shall be subject to the punishment specified in Section 423.3.

- (a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with, any

person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.

(b) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.

(c) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.

(d) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.

(e) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.

(f) Intentionally damages or destroys the property of a place of religious worship.

**§ 423.3. Punishment for violation; Jurisdiction; Violation of federal act**

(a) A first violation of subdivision (c) or (d) of Section 423.2 is a misdemeanor, punishable by imprisonment in a county jail for a period of not more than six months and a fine not to exceed two thousand dollars (\$2,000).

(b) A second or subsequent violation of subdivision (c) or (d) of Section 423.2 is a misdemeanor, punishable by imprisonment in a county jail for a period of not more than six months and a fine not to exceed five thousand dollars (\$5,000).

(c) A first violation of subdivision (a), (b), (e), or (f) of Section 423.2 is a misdemeanor, punishable by imprisonment in a county jail for a period of not more than one year and a fine not to exceed twenty-five thousand dollars (\$25,000).

(d) A second or subsequent violation of subdivision (a), (b), (e), or (f) of Section 423.2 is a misdemeanor, punishable by imprisonment in a county jail for a period of not more than one year and a fine not to exceed fifty thousand dollars (\$50,000).

(e) In imposing fines pursuant to this section, the court shall consider applicable factors in

aggravation and mitigation set out in Rules 4.421 and 4.423 of the California Rules of Court, and shall consider a prior violation of the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248), or a prior violation of a statute of another jurisdiction that would constitute a violation of Section 423.2 or of the federal Freedom of Access to Clinic Entrances Act of 1994, to be a prior violation of Section 423.2.

(f) This title establishes concurrent state jurisdiction over conduct that is also prohibited by the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248), which provides for more severe misdemeanor penalties for first violations and felony-misdemeanor penalties for second and subsequent violations. State law enforcement agencies and prosecutors shall cooperate with federal authorities in the prevention, apprehension, and prosecution of these crimes, and shall seek federal prosecutions when appropriate.

(g) No person shall be convicted under this article for conduct in violation of Section 423.2 that was done on a particular occasion where the identical conduct on that occasion was the basis for a conviction of that person under the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248).

#### **§ 423.4. Right to civil proceeding by aggrieved person**

(a) A person aggrieved by a violation of Section 423.2 may bring a civil action to enjoin the violation, for compensatory and punitive damages, and for the costs of suit and reasonable fees for attorneys and expert witnesses, except that only a reproductive health services client, provider, or assistant may bring an action under subdivision (a), (c), or (e) of Section 423.2, and only a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom in a place of religious worship, or the entity that owns or operates a place of religious worship, may bring an action under subdivision (b), (d), or (f) of Section 423.2. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of a final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of one thousand dollars (\$1,000) per exclusively nonviolent violation, and five thousand dollars (\$5,000) per any other violation, for each violation committed.

(b) The Attorney General, a district attorney, or a city attorney may bring a civil action to enjoin a violation of Section 423.2, for compensatory damages to persons aggrieved as described in subdivision (a) and for the assessment of a civil penalty against each respondent. The civil penalty shall not exceed two thousand dollars (\$2,000) for an exclusively nonviolent first violation, and fifteen thousand dollars (\$15,000) for any other first violation, and shall not exceed five thousand dollars (\$5,000) for an exclusively nonviolent subsequent violation, and twenty-five thousand dollars (\$25,000) for any other subsequent violation. In imposing civil penalties pursuant to this subdivision, the court shall consider a prior violation of the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248), or a prior violation of a statute of another jurisdiction that would constitute a violation of Section 423.2 or the federal Freedom of Access to Clinic Entrances Act of 1994, to be a prior violation of Section 423.2.

(c) No person shall be found liable under this section for conduct in violation of Section 423.2 done on a particular occasion where the identical conduct on that occasion was the basis for a finding of liability by that person under the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248).

**§ 423.5. Court action to protect witnesses and victims**

(a) (1) The court in which a criminal or civil proceeding is filed for a violation of subdivision (a), (c), or (e) of Section 423.2 shall take all action reasonably required, including granting restraining orders, to safeguard the health, safety, or privacy of either of the following:

(A) A reproductive health services client, provider, or assistant who is a party or witness in the proceeding.

(B) A person who is a victim of, or at risk of becoming a victim of, conduct prohibited by subdivision (a), (c), or (e) of Section 423.2.

(2) The court in which a criminal or civil proceeding is filed for a violation of subdivision (b), (d), or (f) of Section 423.2 shall take all action reasonably required, including granting restraining orders, to safeguard the health, safety, or privacy of either of the following:

(A) A person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.

(B) An entity that owns or operates a place of religious worship.

(b) Restraining orders issued pursuant to paragraph (1) of subdivision (a) may include provisions prohibiting or restricting the photographing of persons described in subparagraphs (A) and (B) of paragraph (1) of subdivision (a) when reasonably required to safeguard the health, safety, or privacy of those persons. Restraining orders issued pursuant to paragraph (2) of subdivision (a) may include provisions prohibiting or restricting the photographing of persons described in subparagraphs (A) and (B) of paragraph (2) of subdivision (a) when reasonably required to safeguard the health, safety, or privacy of those persons.

(c) A court may, in its discretion, permit an individual described in subparagraph (A) or (B) of paragraph (1) of subdivision (a) to use a pseudonym in a civil proceeding described in paragraph (1) of subdivision (a) when reasonably required to safeguard the health, safety, or privacy of those persons. A court may, in its discretion, permit an individual described in subparagraph (A) or (B) of paragraph (2) of subdivision (a) to use a pseudonym in a civil proceeding described in paragraph (2) of subdivision (a) when reasonably required to safeguard the health, safety, or privacy of those persons.

**§ 423.6. Construction of title**

This title shall not be construed for any of the following purposes:

- (a) To impair any constitutionally protected activity, or any activity protected by the laws of California or of the United States of America.
- (b) To provide exclusive civil or criminal remedies or to preempt or to preclude any county, city, or city and county from passing any law to provide a remedy for the commission of any of the acts prohibited by this title or to make any of those acts a crime.
- (c) To interfere with the enforcement of any federal, state, or local laws regulating the performance of abortions or the provision of other reproductive health services.
- (d) To negate, supersede, or otherwise interfere with the operation of any provision of Chapter 10 (commencing with Section 1138) of Part 3 of Division 2 of the Labor Code.
- (e) To create additional civil or criminal remedies or to limit any existing civil or criminal remedies to redress an activity that interferes with the exercise of any other rights protected by the First Amendment to the United States Constitution or of Article I of the California Constitution.
- (f) To preclude prosecution under both this title and any other provision of law, except as provided in subdivision (g) of Section 423.3.

**North Carolina Obstruction of Health Care Facilities**  
**N.C. GEN. STAT. § 14-277.4 (2014).**

**§ 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 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 Class 2 misdemeanor. 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 Class 1 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.

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

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

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

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

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



## **Washington Interference with Health Care Facilities or Providers Act WASH. REV. CODE ANN. § 9A.50 (2015).**

### **§ 9A.50.005. Finding**

The legislature finds that seeking or obtaining health care is fundamental to public health and safety.

### **§ 9A.50.010. Definitions**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Health care facility" means a facility that provides health care services directly to patients, including but not limited to, a hospital, clinic, health care provider's office, health maintenance organization, diagnostic or treatment center, neuropsychiatric or mental health facility, hospice, or nursing home.

(2) "Health care provider" has the same meaning as defined in RCW 7.70.020 (1) and (2), and also means an officer, director, employee, or agent of a health care facility who sues or testifies regarding matters within the scope of his or her employment.

(3) "Aggrieved" means:

- (a) A person, physically present at the health care facility when the prohibited actions occur, whose access is or is about to be obstructed or impeded;
- (b) A person, physically present at the health care facility when the prohibited actions occur, whose care is or is about to be disrupted;
- (c) The health care facility, its employees, or agents;
- (d) The owner of the health care facility or the building or property upon which the health care facility is located.

### **§ 9A.50.020. Interference with health care facility**

It is unlawful for a person except as otherwise protected by state or federal law, alone or in concert with others, to willfully or recklessly interfere with access to or from a health care facility or willfully or recklessly disrupt the normal functioning of such facility by:

(1) Physically obstructing or impeding the free passage of a person seeking to enter or depart from the facility or from the common areas of the real property upon which the facility is located;

- (2) Making noise that unreasonably disturbs the peace within the facility;
- (3) Trespassing on the facility or the common areas of the real property upon which the facility is located;
- (4) Telephoning the facility repeatedly, or knowingly permitting any telephone under his or her control to be used for such purpose; or
- (5) 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.

**§ 9A.50.030. Penalty**

A violation of RCW 9A.50.020 is a gross misdemeanor. A person convicted of violating RCW 9A.50.020 shall be punished as follows:

- (1) For a first offense, a fine of not less than two hundred fifty dollars and a jail term of not less than twenty-four consecutive hours;
- (2) For a second offense, a fine of not less than five hundred dollars and a jail term of not less than seven consecutive days; and
- (3) For a third or subsequent offense, a fine of not less than one thousand dollars and a jail term of not less than thirty consecutive days.

**§ 9A.50.040. Civil remedies**

- (1) A person or health care facility aggrieved by the actions prohibited by RCW 9A.50.020 may seek civil damages from those who committed the prohibited acts and those acting in concert with them. A plaintiff in an action brought under this chapter shall not recover more than his or her actual damages and additional sums authorized in RCW 9A.50.050. Once a plaintiff recovers his or her actual damages and any additional sums authorized under this chapter, additional damages shall not be recovered. A person does not have to be criminally convicted of violating RCW 9A.50.020 to be held civilly liable under this section. It is not necessary to prove actual damages to recover the additional sums authorized under RCW 9A.50.050, costs, and attorneys' fees. The prevailing party is entitled to recover costs and attorneys' fees.
- (2) The superior courts of this state shall have authority to grant temporary, preliminary, and permanent injunctive relief to enjoin violations of this chapter.

In appropriate circumstances, any superior court having personal jurisdiction over one or more defendants may issue injunctive relief that shall have binding effect on the original defendants and persons acting in concert with the original defendants, in any county in the state.

Due to the nature of the harm involved, injunctive relief may be issued without bond in the discretion of the court, notwithstanding any other requirement imposed by statute.

The state and its political subdivisions shall cooperate in the enforcement of court injunctions that seek to protect against acts prohibited by this chapter.

**§ 9A.50.050. Civil damages**

In a civil action brought under this chapter, an individual plaintiff aggrieved by the actions prohibited by RCW 9A.50.020 may be entitled to recover up to five hundred dollars for each day that the actions occurred, or up to five thousand dollars for each day that the actions occurred if the plaintiff aggrieved by the actions prohibited under RCW 9A.50.020 is a health care facility.

**§ 9A.50.060. Informational picketing**

Nothing in RCW 9A.50.020 shall prohibit either lawful picketing or other publicity for the purpose of providing the public with information.

**§ 9A.50.070. Protection of health care patients and providers**

A court having jurisdiction over a criminal or civil proceeding under this chapter shall take all steps reasonably necessary to safeguard the individual privacy and prevent harassment of a health care patient or health care provider who is a party or witness in a proceeding, including granting protective orders and orders in limine.

**§ 9A.50.900. Construction**

Nothing in this chapter shall be construed to limit the right to seek other available criminal or civil remedies. The remedies provided in this chapter are cumulative, not exclusive.

## Appendix 2: Examples of Facility Ordinances

### California: Access to Reproductive Health Care Facilities OAKLAND, CAL., CODE OF ORDINANCES § 8.52 (2015).

#### § 8.52.010 Title and purpose.

This chapter shall be known as the “Access to Reproductive Health Care Facilities Ordinance.” The City Council finds that every person in the City of Oakland has a basic and fundamental right to privacy protected by the United States Constitution and explicitly guaranteed in California’s Constitution, Article 1, Section 1, including the right to seek and obtain all health care services permitted under the laws of this State. Central to this right is the need to secure access to all reproductive health care services. Access to these services is a matter of critical importance not only to the individual, but also to the health and welfare of all residents of the City of Oakland and the region. Intentional efforts to harass an individual or prevent that individual from exercising his or her right to seek and obtain reproductive health care services are therefore contrary to the interests of the people of Oakland.

This chapter is not intended to create any limited, designated, or general public fora. Rather it is intended to protect those who seek access to constitutionally protected reproductive health services from conduct which violates their rights.

#### § 8.52.020 Definitions.

- A. “Reproductive health services” refers to all medical, surgical, counseling, referral, and informational services related to the termination of a pregnancy, whether such services are provided in a clinic, physician’s office, or other facility other than a licensed hospital, but not if provided at a clinic or other facility owned and/or operated licensed hospital.
- B. “Reproductive health care facility” refers to a facility licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety code or any other facility that provides reproductive health services that is not licensed as a hospital, and is not owned, and/or operated by a licensed hospital.
- C. “Harassing” means the non-consensual and knowing approach within eight feet of another person or occupied motor vehicle for the purpose of passing a leaflet or handbill, to display a sign to, or engage in oral protest, education, or counseling with such other person in a public way or on a sidewalk area within 100 feet of the entrance of a reproductive health care facility.
- D. “Interfering” means to restrict a person’s freedom of movement or access to or egress from a reproductive health care facility providing reproductive health services.

E. “Counseling” means engaging in conversation with, displaying signs to, and/or distributing literature to individuals seeking access to, passage from, or services within the reproductive health care facility.

F. “Eight feet” shall be measured from any extension of the body of the individual seeking access to, passage from, or services within the reproductive health care facility, and/or the exterior of any occupied motor vehicle, to any extension of the body of, or any sign or object held by another person.

G. “Providing reproductive health services” shall include doctors, nurses, any employee of a reproductive health care facility and volunteers who, with the consent of the reproductive health care facility, assist in conducting patients of such facility safely into the facility.

**§ 8.52.030 Prohibited harassment of individuals seeking access to health care facilities.**

A. It shall be unlawful to use force, threat of force, or physical obstruction to intentionally injure, harass, intimidate, or interfere with or attempt to injure, harass, intimidate, or interfere with any person because that person will be, is, or has been, providing or obtaining reproductive health services.

B. Within 100 feet of the entrance of a reproductive health care facility, it shall be unlawful to willfully and knowingly approach within eight (8) feet of any person seeking to enter such a facility, or any occupied motor vehicle seeking entry, without the consent of such person or vehicle occupant, for the purpose of counseling, harassing, or interfering with such person or vehicle occupant.

C. Within 100 feet of the entrance of a reproductive health care facility, it shall be unlawful to willfully and knowingly approach within eight (8) feet of any person seeking to enter such a facility, or any occupied motor vehicle seeking entry, for the purpose of injuring or intimidating such person or vehicle occupant in connection with seeking reproductive health services.

**§ 8.52.040 Enforcement.**

A. Any person who shall be convicted of a violation of Section 8.52.030 above shall be deemed guilty of a misdemeanor and shall be punishable by imprisonment in the County jail for not more than one year, or by a fine not to exceed two thousand dollars (\$2,000.00), or by both such fine and imprisonment.

**B. Civil Remedies:**

1. Any person providing, seeking to provide, or seeking reproductive health services who is aggrieved by conduct prohibited by this chapter may commence a civil action in the Courts of the State of California.

2. In any action commenced under subsection A of this section, the court may award appropriate relief, including temporary, preliminary, or permanent injunctive relief and compensatory and exemplary damages and reasonable fees for attorneys and expert witnesses. With respect to damages, at any time before final judgment, plaintiff may elect to recover, in lieu of compensatory damages, an award of statutory damages in the amount of five thousand dollars (\$5,000.00) per violation.

**§ 8.52.050 Accommodation of competing rights.**

In adopting this legislation, the Oakland City Council recognizes both the fundamental constitutional right to assemble peacefully and to demonstrate on matters of public concern, as well as the right to seek and obtain health care. This legislation promotes the full exercise of these rights and strikes an appropriate accommodation between them.

Nothing in this chapter shall be construed to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the United States Constitution, the California Constitution or any federal or California statute.

**§ 8.52.060 Severability.**

If any part, provision, or clause of this Ordinance or the application thereof to any person or circumstance, is held to be invalid by a court of competent jurisdiction, all other provisions and clauses hereof, including the application of such provisions and clauses to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this chapter are severable.

**Colorado: Preventing Passage to and From a Health Care Facility – Engaging in Prohibited Activities Near Facility.**

**COLO. REV. STAT. § 18-9-122 (2014), upheld as constitutional by the U.S. Supreme Court in *Hill v. Colorado***

§ 18-9-122. Preventing passage to and from a health care facility - engaging in prohibited activities near facility

(1) The general assembly recognizes that access to health care facilities for the purpose of obtaining medical counseling and treatment is imperative for the citizens of this state; that the exercise of a person's right to protest or counsel against certain medical procedures must be balanced against another person's right to obtain medical counseling and treatment in an unobstructed manner; and that preventing the willful obstruction of a person's access to medical counseling and treatment at a health care facility is a matter of statewide concern. The general assembly therefore declares that it is appropriate to enact legislation that prohibits a person from knowingly obstructing another person's entry to or exit from a health care facility.

(2) A person commits a class 3 misdemeanor if such person knowingly obstructs, detains, hinders, impedes, or blocks another person's entry to or exit from a health care facility.

(3) No person shall knowingly approach another person within eight feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education, or counseling with such other person in the public way or sidewalk area within a radius of one hundred feet from any entrance door to a health care facility. Any person who violates this subsection (3) commits a class 3 misdemeanor.

(4) For the purposes of this section, "health care facility" means any entity that is licensed, certified, or otherwise authorized or permitted by law to administer medical treatment in this state.

(5) Nothing in this section shall be construed to prohibit a statutory or home rule city or county or city and county from adopting a law for the control of access to health care facilities that is no less restrictive than the provisions of this section.

(6) In addition to, and not in lieu of, the penalties set forth in this section, a person who violates the provisions of this section shall be subject to civil liability, as provided in section 13-21-106.7, C.R.S.

**Massachusetts: Protesting and Educating in the Vicinity of Reproductive Health Care Facilities Restricted.**

**MASS. GEN. LAWS ANN. ch. 266, § 120E ½ (2010), struck down as unconstitutional by Supreme Court in *McCullen v. Coakley***

**§ 120E1/2. Protesting and Educating in the Vicinity of Reproductive Health Care Facilities Restricted.**

(a) For the purposes of this section, "reproductive health care facility" means a place, other than within or upon the grounds of a hospital, where abortions are offered or performed.

(b) No person shall knowingly enter or remain on a public way or sidewalk adjacent to a reproductive health care facility within a radius of 35 feet of any portion of an entrance, exit or driveway of a reproductive health care facility or within the area within a rectangle created by extending the outside boundaries of any entrance, exit or driveway of a reproductive health care facility in straight lines to the point where such lines intersect the sideline of the street in front of such entrance, exit or driveway. This subsection shall not apply to the following:--

- (1) persons entering or leaving such facility;
- (2) employees or agents of such facility acting within the scope of their employment;
- (3) law enforcement, ambulance, firefighting, construction, utilities, public works and other municipal agents acting within the scope of their employment; and
- (4) persons using the public sidewalk or street right-of-way adjacent to such facility solely for the purpose of reaching a destination other than such facility.

(c) The provisions of subsection (b) shall only take effect during a facility's business hours and if the area contained within the radius and rectangle described in said subsection (b) is clearly marked and posted.

(d) Whoever knowingly violates this section shall be punished, for the first offense, by a fine of not more than \$500 or not more than three months in a jail or house of correction, or by both such fine and imprisonment, and for each subsequent offense, by a fine of not less than \$500 and not more than \$5,000 or not more than two and one-half years in a jail or house of correction, or both such fine and imprisonment. A person who knowingly violates this section may be arrested without a warrant by a sheriff, deputy sheriff or police officer if that sheriff, deputy sheriff, or police officer observes that person violating this section.

(e) Any person who knowingly obstructs, detains, hinders, impedes or blocks another person's entry to or exit from a reproductive health care facility shall be punished, for the first offense, by a fine of not more than \$500 or not more than three months in a jail or house of correction, or by both such fine and imprisonment, and for each subsequent offense, by a fine of not less than



\$500 nor more than \$5,000 or not more than two and one-half years in a jail or house of correction, or by both such fine and imprisonment. A person who knowingly violates this provision may be arrested without a warrant by a sheriff, deputy sheriff or police officer.

(f) A reproductive health care facility or a person whose rights to provide or obtain reproductive health care services have been violated or interfered with by a violation of this section or any person whose rights to express their views, assemble or pray near a reproductive health care facility have been violated or interfered with may commence a civil action for equitable relief. The civil action shall be commenced either in the superior court for the county in which the conduct complained of occurred, or in the superior court for the county in which any person or entity complained of resides or has a principal place of business.

## **Massachusetts: Impeding Access to or Departure from Reproductive Health Care Facility.**

**MASS. GEN. LAWS ANN. ch. 266, § 120E ½ (2015).**

(a) used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Driveway", an entry from a public street to a public or private parking area used by a reproductive health care facility.

"Entrance", a door to a reproductive health care facility that directly abuts the public sidewalk; provided, however, that if the door does not directly abut the public sidewalk, the "entrance" shall be the point at which the public sidewalk intersects with a pathway leading to the door.

"Impede", to obstruct, block, detain or render passage impossible, unsafe or unreasonably difficult.

"Law enforcement official", a duly authorized member of a law enforcement agency, including a member of a municipal, metropolitan or state police department, sheriffs or deputy sheriffs.

"Reproductive health care facility", a place, other than within or upon the grounds of a hospital, where abortions are offered or performed including, but not limited to, the building, grounds and driveway of the facility and a parking lot in which the facility has an ownership or leasehold interest.

(b) A law enforcement official may order the immediate withdrawal of 1 or more individuals who have on that day substantially impeded access to or departure from an entrance or a driveway to a reproductive health care facility. A withdrawal order issued pursuant to this section shall be in writing and shall include the following statements:

(i) the individual or individuals have substantially impeded access to or departure from the reproductive health care facility;

(ii) the individual or individuals so ordered shall, under the penalty of arrest and prosecution, immediately withdraw and cease to stand or be located within at least 25 feet of an entrance or driveway to the reproductive health care facility; and

(iii) the order shall remain in place for 8 hours or until the close of business of the reproductive health facility, whichever is earlier. This subsection shall apply during the business hours of a reproductive health care facility. This subsection shall also apply only if the 25-foot boundary is clearly marked and subsections (a) through (c), inclusive, of this section are posted outside of the reproductive health care facility.

(c) A person who fails to comply with a withdrawal order pursuant to subsection (b) shall be punished, for the first offense, by a fine of not more than \$500 or not more than 3 months in a jail or house of correction or by both such fine and imprisonment and, for each subsequent offense, by a fine of not less than \$500 nor more than \$5,000 or not more than 21/2 years in a jail or house of correction or by both such fine and imprisonment.

(d) A person who, by force, physical act or threat of force, intentionally injures or intimidates or attempts to injure or intimidate a person who attempts to access or depart from a reproductive health care facility shall be punished, for the first offense, by a fine of not more than \$2,000 or not more than 1 year in a jail or house of correction or by both such fine and imprisonment and, for each subsequent offense, by a fine of not less than \$10,000 nor more than \$50,000 or not more than 21/2 years in a jail or house of correction or not more than 5 years in a state prison or by both such fine and imprisonment. For the purpose of this subsection, "intimidate" shall mean to place a person in reasonable apprehension of bodily harm to that person or another.

(e) A person who impedes a person's access to or departure from a reproductive health care facility with the intent to interfere with that person's ability to provide, support the provision of or obtain services at the reproductive health care facility shall be punished, for the first offense, by a fine of not more than \$1,000 or not more than 6 months in a jail or house of correction or by both such fine and imprisonment and, for each subsequent offense, by a fine of not less than \$5,000 nor more than \$25,000 or not more than 21/2 years in a jail or house of correction or not more than 5 years in the state prison or by both such fine and imprisonment.

(f) A person who knowingly impedes or attempts to impede a person or a vehicle attempting to access or depart from a reproductive health care facility shall be punished, for the first offense, by a fine of not more than \$500 or not more than 3 months in a jail or house of correction or by both such fine and imprisonment and, for each subsequent offense, by a fine of not less than \$1,000 nor more than \$5,000 or not more than 21/2 years in a jail or house of correction or by both such fine and imprisonment.

(g) A person who recklessly interferes with the operation of a vehicle that attempts to enter, exit or park at a reproductive health care facility shall be punished, for the first offense, by a fine of not more than \$500 or not more than 3 months in a jail or house of correction or by both such fine and imprisonment and, for each subsequent offense, by a fine of not less than \$1,000 nor more than \$5,000 or not more than 21/2 years in a jail or house of correction or by both such fine and imprisonment.

(h) A person who fails to comply with a withdrawal order pursuant to said subsection (b) or who is found in violation of subsection (c), (d), (e), (f) or (g) may be arrested without a warrant by a law enforcement official.

(i) If a person or entity fails to comply with a withdrawal order pursuant to subsection (b) or who is found in violation of subsection (c), (d), (e), (f) or (g), an aggrieved person or entity or the attorney general or both may commence a civil action. The civil action shall be commenced

either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which the person or entity complained of resides or has a principal place of business.

(j) In an action pursuant to subsection (i), a court may award as remedies: (1) temporary, preliminary and permanent injunctive relief; (2) compensatory and punitive damages; and (3) costs, attorneys' fees and expert witness fees. In an action brought by the attorney general pursuant to subsection (i), the court may also award civil penalties against each defendant in an amount not exceeding: (A) \$5,000 for a nonviolent violation and \$7,500 for other first violations; and (B) \$7,500 for a subsequent nonviolent violation and \$12,500 for any other subsequent violation.

(k) A violation of an injunction entered by a court in an action brought pursuant to subsection (i) shall be a criminal offense under section 11J of chapter 12.

## Appendix 3: Examples of Residential Picketing Ordinances

### California: Targeted Residential Picketing Prohibited.

SAN JOSE, CAL., CODE OF ORDINANCES § 10.09.010 (2015).

#### § 10.09.010

- A. No person shall engage in picketing activity that is targeted at and is within three hundred feet of a residential dwelling.
- B. For purposes of this chapter, the term "residential dwelling" means any permanent building being used by its occupants solely for nontransient residential uses.
- C. For purposes of this chapter, the term "targeted" picketing means picketing activity that is targeted at a particular residential dwelling and proceeds on a definite course or route in front of or around that particular residential dwelling.
- D. This chapter does not and shall not be interpreted to preclude picketing in a residential area that is not targeted at a particular residential dwelling.

**Colorado: Residential Picketing – Legislative Declaration**  
**COLO. REV. STAT. § 18-9-108.5 (2014).**

(1) (a) The general assembly hereby finds that:

(I) The protection and preservation of the home is a compelling state interest;

(II) Residents of Colorado are entitled to enjoy a feeling of well-being, tranquility, and privacy in their homes and dwellings;

(III) The practice of targeted residential picketing causes emotional disturbances and distress to the occupants and has the potential to incite breaches of the peace; and

(IV) The practice of targeted residential picketing does not seek to disseminate a message to the general public but, instead, seeks to harass and intrude on the privacy of the targeted resident.

(b) The general assembly further finds that ample alternative means of communication are available to those who would choose to engage in picketing outside a person's residence.

(2) As used in this section, unless the context otherwise requires:

(a) "Residence" means any single-family or multi-family dwelling unit that is not being used as a targeted occupant's sole place of business or as a place of public meeting.

(b) "Targeted picketing" means picketing, with or without signs, that is specifically directed toward a residence, or one or more occupants of the residence, and that takes place on that portion of a sidewalk or street in front of the residence, in front of an adjoining residence, or on either side of the residence.

(3) (a) It shall be unlawful for a person to engage in targeted picketing except when the person is engaging in picketing while marching, without stopping in front or on either side of a residence, over a route that proceeds a distance that extends beyond three adjacent structures to one side of the targeted residence along the one-way length and three adjacent structures to the other side of the targeted residence along the one-way length or three hundred feet to one side of the targeted residence along the one-way length and three hundred feet to the other side of the targeted residence along the one-way length, whichever distance is shorter.

(b) (I) It shall be unlawful for a person while engaged in targeted picketing to hold, carry, or otherwise display on his or her person a sign or placard while he or she is on a street or sidewalk in a residential area if the person does not comply with the following restrictions:

(A) All signs or placards shall be no greater in size than six square feet;

(B) Each person may carry, hold, or otherwise display no more than one sign or placard.

(II) The restrictions specified pursuant to subparagraph (I) of this paragraph (b) shall not apply to a person while engaged in targeted picketing carrying a sign or placard temporarily while transporting the sign or placard from the person's residence or business to a vehicle.

(4) Vehicles or trailers used in targeted picketing shall not park within three residences or three hundred feet of a residence that is the subject of targeted picketing. There is a presumption that a vehicle or trailer is used in targeted picketing when signage is affixed to the vehicle containing content related to the targeted picketing.

(5) It shall not be a violation of subsection (3) of this section unless a person has previously been ordered by a peace officer or other law enforcement official to move, disperse, or take other appropriate action to comply with this section and the person has failed to promptly comply with the warning. The warning issued by the peace officer or other law enforcement official shall indicate the required distances the person engaging in picketing must march or other conditions necessary to comply with this section. In order to ensure that an appropriate warning has been given, the local law enforcement agency shall maintain a written record indicating the name of each warned individual, the address or addresses of the targeted residence or residences, and the date and time of the warning.

(6) A person who violates subsection (3) of this section commits an unclassified misdemeanor. The court may impose a fine of no more than five thousand dollars.

(7) The provisions of this section shall not prohibit a local government from adopting more restrictive provisions concerning targeted picketing or carrying in a residential area more than one sign of a certain size.

**Nebraska: Focused Residential Picketing, Prohibited.  
Lincoln, Neb., Mun. Code § 9.40.090 (2015).**

**§ 9.40.090**

(a) It shall be unlawful for any person to engage in focused picketing in that portion of any street which abuts on the property upon which the targeted dwelling is located, or which abuts on property within fifty feet (measured from the lot line) of the property upon which the targeted dwelling is located, except the sidewalk space on the opposite side of the street from the targeted dwelling.

(b) For purposes of this section, the following definitions shall apply:

(1) Focused picketing shall mean picketing directed toward a specific person or persons including, but not limited to, marching, congregating, standing, parading, demonstrating, parking, or patrolling by one or more persons, with or without signs.

(2) Sidewalk space shall mean that portion of a street between the curb line and the adjacent property line.

(3) Street shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(4) Targeted dwelling shall mean any building or dwelling unit within a building, in which the target or targets of focused picketing reside.

(c) This section shall not apply to any picketing, focused or otherwise, which lawfully occurs before or about any commercial or industrial establishment or business, regardless of where located.

(d) This section shall not be construed to authorize conduct which is otherwise prohibited by law.



**Wisconsin: Residential Picketing Prohibited.**  
**BROOKFIELD, WIS., GEN. CODE § 9.17(2) (1985).**

Picket lines and picketing shall be prohibited in front of, adjacent to or with respect to any property used for residential purposes, except where such picketing relates to a use or activity being carried on within such property.

## Appendix 4: Examples of Cyberstalking and Cyber Harassment Laws

### Illinois: Offense of Cyberstalking

720 ILL. COMP. STAT. § 5/12-7.5 (2014).

(a) A person commits cyberstalking when he or she engages in a course of conduct using electronic communication directed at a specific person, and he or she knows or should know that would cause a reasonable person to:

(1) fear for his or her safety or the safety of a third person; or

(2) suffer other emotional distress.

(a-3) A person commits cyberstalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication and:

(1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person, or

(2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or

(3) at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

(a-5) A person commits cyberstalking when he or she, knowingly and without lawful justification, creates and maintains an Internet website or webpage which is accessible to one or more third parties for a period of at least 24 hours, and which contains statements harassing another person and:

(1) which communicates a threat of immediate or future bodily harm, sexual assault, confinement, or restraint, where the threat is directed towards that person or a family member of that person, or

(2) which places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint, or

(3) which knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

(b) Sentence. Cyberstalking is a Class 4 felony; a second or subsequent conviction is a Class 3 felony.

(c) For purposes of this Section:

(1) "Course of conduct" means 2 or more acts, including but not limited to acts in which a defendant directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, engages in other non-consensual contact, or interferes with or damages a person's property or pet. The incarceration in a penal institution of a person who commits the course of conduct is not a bar to prosecution under this Section.

(2) "Electronic communication" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail.

(3) "Emotional distress" means significant mental suffering, anxiety or alarm.

(4) "Harass" means to engage in a knowing and willful course of conduct directed at a specific person that alarms, torments, or terrorizes that person.

(5) "Non-consensual contact" means any contact with the victim that is initiated or continued without the victim's consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.

(6) "Reasonable person" means a person in the victim's circumstances, with the victim's knowledge of the defendant and the defendant's prior acts.

(7) "Third party" means any person other than the person violating these provisions and the person or persons towards whom the violator's actions are directed.

(d) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

(e) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code [720 ILCS 5/5-1 et seq.], is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

**New Jersey: Crime of Cyber-Harassment**  
**N.J. STAT. § 2C:33-4.1 (2014).**

(a) A person commits the crime of cyber-harassment if, while making a communication in an online capacity via any electronic device or through a social networking site and with the purpose to harass another, the person:

- (1) threatens to inflict injury or physical harm to any person or the property of any person;
- (2) knowingly sends, posts, comments, requests, suggests, or proposes any lewd, indecent, or obscene material to or about a person with the intent to emotionally harm a reasonable person or place a reasonable person in fear of physical or emotional harm to his person; or
- (3) threatens to commit any crime against the person or the person's property.

(b) Cyber-harassment is a crime of the fourth degree, unless the person is 21 years of age or older at the time of the offense and impersonates a minor for the purpose of cyber-harassing a minor, in which case it is a crime of the third degree.

(c) If a minor under the age of 16 is adjudicated delinquent for cyber-harassment, the court may order as a condition of the sentence that the minor, accompanied by a parent or guardian, complete, in a satisfactory manner, one or both of the following:

- (1) a class or training program intended to reduce the tendency toward cyber-harassment behavior; or
- (2) a class or training program intended to bring awareness to the dangers associated with cyber-harassment.

(d) A parent or guardian who fails to comply with a condition imposed by the court pursuant to subsection c. of this section is a disorderly person and shall be fined not more than \$ 25 for a first offense and not more than \$ 100 for each subsequent offense.

**Rhode Island: Cyberstalking and Cyberharassment Prohibited.  
R.I. GEN. LAWS § 11-52-4.2 (2015).**

(a) Whoever transmits any communication by computer or other electronic device to any person or causes any person to be contacted for the sole purpose of harassing that person or his or her family is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500), by imprisonment for not more than one year, or both. For the purpose of this section, “harassing” means any knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or bothers the person, and which serves no legitimate purpose. The course of conduct must be of a kind that would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury. “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

(b) A second or subsequent conviction under subsection (a) of this section shall be deemed a felony punishable by imprisonment for not more than two (2) years, by a fine of not more than six thousand dollars (\$6,000), or both.

National Abortion Federation  
1660 L Street NW, Suite 450  
Washington, DC 20036  
[naf@prochoice.org](mailto:naf@prochoice.org)

[www.prochoice.org](http://www.prochoice.org)

