

CHAPTER 115

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 93-1209

BY REPRESENTATIVES DeGette, Fleming, George, Kerns, Knox, Lyle, Prinster, Rupert, Strom, Tanner, Williams, Wright, Entz, Gordon, Acquafresca, Armstrong, Benavidez, Blue, Chlouber, Dyer, Friednash, Greenwood, R. Hernandez, T. Hernandez, Kaufman, Keller, Kreutz, Morrison, Nichol, Reeser, Romero, Shoemaker, Taylor, and Thiebaut;
also SENATORS Feeley, Mares, Peterson, L. Powers, Casey, Cassidy, Hopper, Johnson, Mendez, Weissmann, and Wham.

AN ACT**CONCERNING THE PROTECTION OF A PERSON'S ACCESS TO HEALTH CARE FACILITIES.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 1 of article 9 of title 18, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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.

SECTION 2. Part 1 of article 21 of title 13, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

13-21-106.7. Civil damages for preventing passage to and from a health care facility and engaging in prohibited activity near facility. (1) A PERSON IS ENTITLED TO RECOVER DAMAGES AND TO OBTAIN INJUNCTIVE RELIEF FROM ANY PERSON WHO COMMITS OR INCITES OTHERS TO COMMIT THE OFFENSE OF PREVENTING PASSAGE TO OR FROM A HEALTH CARE FACILITY OR ENGAGING IN PROHIBITED ACTIVITY NEAR A HEALTH CARE FACILITY, AS DEFINED IN SECTION 18-9-122 (2), C.R.S.

(2) A CONVICTION FOR CRIMINAL OBSTRUCTION OF PASSAGE TO OR FROM A HEALTH CARE FACILITY PURSUANT TO SECTION 18-9-122, C.R.S., SHALL NOT BE A CONDITION PRECEDENT TO MAINTAINING A CIVIL ACTION PURSUANT TO THE PROVISIONS OF THIS SECTION.

SECTION 3. Effective date - applicability. This act shall take effect upon passage, and shall apply to offenses committed on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 19, 1993