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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 1642

02/23/2017 Authored by Becker-Finn; Maye Quade; Murphy, E.; Halverson; Youakim and others
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; prohibiting persons from interfering with access to
1.3 reproductive health services and facilities; establishing criminal penalties; proposing
1.4 coding for new law in Minnesota Statutes, chapter 609.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [609.7497] INTERFERENCE WITH ACCESS TO REPRODUCTIVE
1.7 HEALTH SERVICES AND FACILITIES.

1.8 Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section.

1.9 (b) "Interfere with" means to restrict a person's freedom of movement.

1.10 (c) "Intimidate" means to cause fear in another of immediate bodily harm to that person
1.11 or another person.

1.12 (d) "Nonviolent" means conduct that does not constitute a violent crime.

1.13 (e) "Physical obstruction" means making entrance to or exit from a reproductive health
1.14 services facility impassable to another person, or making entrance to or exit from a
1.15 reproductive health services facility unreasonably difficult or hazardous to another person.

1.16 (f) "Reproductive health services" means medical, surgical, counseling, or referral
1.17 services related to the human reproductive system, including services related to pregnancy
1.18 or the termination of a pregnancy. Reproductive health services may be provided in a hospital
1.19 licensed under chapter 144, clinic, physician's office, or other health care facility.

1.20 (g) "Reproductive health services client, provider, or assistant" means a person or entity
1.21 involved in obtaining, providing, seeking to obtain or provide, or assisting or seeking to
1.22 assist another person at that other person's request to obtain or provide any services in a

2.1 reproductive health services facility. This term includes a person or entity involved in  
2.2 owning, operating, or seeking to own or operate a reproductive health services facility.

2.3 (h) "Reproductive health services facility" means a hospital licensed under chapter 144,  
2.4 clinic, physician's office, or other health care facility that provides or seeks to provide  
2.5 reproductive health services. Reproductive health services facility includes the building or  
2.6 structure in which the facility is located.

2.7 (i) "Violent crime" has the meaning given in section 611A.08, subdivision 6, and also  
2.8 includes the offense in section 609.224.

2.9 Subd. 2. **Injury, intimidation, interference prohibited.** (a) A person who by force,  
2.10 threat of force, or physical obstruction intentionally injures, intimidates, or interferes with  
2.11 a person or entity because the person or entity is a reproductive health services client,  
2.12 provider, or assistant, or in order to intimidate a person, entity, or class of persons or entities  
2.13 from becoming or remaining a reproductive health services client, provider, or assistant, is  
2.14 guilty of a gross misdemeanor.

2.15 (b) A person who, by nonviolent physical obstruction, intentionally injures, intimidates,  
2.16 or interferes with any person or entity because that person or entity is a reproductive health  
2.17 services client, provider, or assistant, or in order to intimidate a person, entity, or class of  
2.18 persons or entities from becoming or remaining a reproductive health services client, provider,  
2.19 or assistant, is guilty of a gross misdemeanor.

2.20 Subd. 3. **Damage to property.** A person who intentionally causes damage to the property  
2.21 of a person, entity, or facility because the person, entity, or facility is a reproductive health  
2.22 services client, provider, or assistant or a reproductive health services facility, is guilty of  
2.23 a misdemeanor.

2.24 Subd. 4. **Use of telephone to disrupt facility.** A person who telephones or knowingly  
2.25 permits a telephone under the person's control to be used to telephone a reproductive health  
2.26 services facility to intentionally disrupt the normal functioning of a reproductive health  
2.27 services facility is guilty of a gross misdemeanor.

2.28 Subd. 5. **Obstructing access prohibited.** A person who intentionally impedes or  
2.29 interferes with the operation of a motor vehicle that attempts to enter, exit, or park at a  
2.30 reproductive health services facility is guilty of a gross misdemeanor.

2.31 Subd. 6. **Investigation.** A presentence investigation must be conducted and a report  
2.32 submitted to the court by the corrections agency responsible for conducting the investigation  
2.33 when a defendant is convicted of an offense described in subdivision 2, 3, 4, or 5. The report

3.1 must include prior convictions for violations of the federal Freedom of Access to Clinic  
3.2 Entrances Act, United States Code, title 18, section 248.

3.3 Subd. 7. **Restraining order.** The following individuals may use the procedures in section  
3.4 609.748 to seek a restraining order against a party to a civil or criminal proceeding related  
3.5 to a violation of subdivision 2, 3, 4, or 5:

3.6 (1) a reproductive health services client, provider, or assistant who is a party or witness  
3.7 in the proceeding; or

3.8 (2) a person who is a victim of an act prohibited by subdivision 2, paragraph (a); 3; or  
3.9 5.

3.10 Subd. 8. **Construction.** Nothing in this section shall be construed to:

3.11 (1) impair any constitutionally protected activity or activity protected by other law;

3.12 (2) provide exclusive civil remedies or criminal penalties, preempt any local unit of  
3.13 government from enacting a law to provide a remedy for the commission of any act prohibited  
3.14 by this section, or establish criminal penalties for any act prohibited by this section; or

3.15 (3) interfere with the enforcement of any law regulating termination of pregnancies or  
3.16 the provision of other reproductive health services.

3.17 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes  
3.18 committed on or after that date.