

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2076

By: Boyd (Laura)

AS INTRODUCED

An Act relating to crimes and punishments; protecting access to medical counseling and treatment services; stating purpose; prohibiting certain acts; providing punishment; authorizing certain civil actions; limiting scope of law; defining term; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1174 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. It is the purpose of this section to protect and promote the public health and safety by prohibiting the use of force, threat of force or physical obstruction to injure a person seeking to obtain or provide medical counseling and treatment services, by prohibiting the blocking of access to medical counseling and treatment facilities, by prohibiting the destruction of property of facilities providing such services, by prohibiting the destruction of property of the primary residence of persons seeking or providing medical counseling and treatment services, and by establishing the right of

private parties injured by such conduct to bring actions for appropriate relief.

B. No person shall by force, threat of force, or physical obstruction intentionally injure, or attempt to injure, any person because that person is or has been:

1. Obtaining medical counseling and treatment services; or
2. Lawfully aiding another person to obtain such services.

C. No person shall by force, threat of force, or physical obstruction intentionally block another person's access to a medical counseling and treatment facility.

D. No person shall intentionally damage or destroy the property of a medical counseling and treatment facility or in which a medical counseling and treatment facility is located, or attempt to do so.

E. No person shall intentionally render or attempt to render a medical counseling and treatment facility temporarily or permanently unusable by any person obtaining medical counseling and treatment services or by any person lawfully aiding another person to obtain such services.

F. No person shall intentionally damage or destroy the primary residence or property appurtenant thereto of any person seeking or providing medical counseling and treatment services.

G. Any person who violates this section shall:

1. In the case of a first offense, be punished by imprisonment in the county jail for not more than one (1) year or a fine not more than Five Thousand Dollars (\$5,000.00), or both such imprisonment and fine; and

2. In the case of a second or subsequent offense after a prior conviction under this section, be punished by imprisonment in a state correctional institution maintained by the Department of Corrections for not more than three (3) years or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both such imprisonment and fine.

H. Any person aggrieved by reason of the conduct prohibited by this section may commence a civil action for relief. In any such action, 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.

I. This section shall not apply to actions taken by a law enforcement officer acting within the scope of employment.

J. This section shall not apply to speech or expressive conduct protected by the First Amendment of the United States Constitution. Nothing in this section shall be interpreted to prevent peaceful assembly that does not interfere with access to a medical counseling and treatment facility.

K. For purposes of this section, "medical counseling and treatment facility" means an entity offering medical counseling or treatment or both medical counseling and treatment that is not prohibited by state law.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-7602

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