

103^D CONGRESS
1ST SESSION

H. R. 796

To assure freedom of access to clinic entrances.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1993

Mr. SCHUMER (for himself and Mrs. MORELLA) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To assure freedom of access to clinic entrances.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Freedom of Access
5 to Clinic Entrances Act of 1993”.

6 **SEC. 2. TITLE 18 AMENDMENT.**

7 (a) SUBSTANTIVE AMENDMENT.—Chapter 13 of title
8 18, United States Code, is amended by adding at the end
9 the following:

10 **“§ 248. Blocking access to clinic entrances**

11 “(a) Whoever, with intent to prevent or discourage
12 any person from obtaining reproductive health services, in-

1 tentinally and physically obstructs, hinders, or impedes
2 the ingress or egress of another to a medical facility that
3 affects interstate commerce, or to the structure or place
4 in which the medical facility is located, shall be subject
5 to the penalties provided in subsection (b) of this section
6 and the civil remedy provided in subsection (c) of this sec-
7 tion.

8 “(b) The penalty for an offense under subsection (a)
9 of this section is a fine under this title, or imprisonment—

10 “(1) for not more than one year, in the case of
11 a first conviction under this section; and

12 “(2) for not more than three years, in the case
13 of an offender who has been convicted of a previous
14 offense under this section;

15 or both such fine and imprisonment.

16 “(c)(1) A qualified plaintiff may in a civil action ob-
17 tain appropriate relief with respect to any violation of sub-
18 section (a) of this section.

19 “(2) As used in this subsection, a ‘qualified plaintiff’
20 with respect to a violation is—

21 “(A) the person whose ingress or egress is or
22 is about to be obstructed, hindered, or impeded;

23 “(B) a person whose obtaining reproductive
24 services is intended to be prevented or discouraged;

1 “(C) the medical facility, or any of its medical
2 or administrative staff; or

3 “(D) the owner of the structure or place in
4 which the medical facility is located.

5 “(3) Appropriate relief in an action under this sub-
6 section does not include punitive damages but does in-
7 clude—

8 “(A) treble the actual damages (and any such
9 damages may include an award for pain and suffer-
10 ing and emotional distress), or damages in the
11 amount of \$5,000, whichever is greater ; and

12 “(B) any appropriate declaratory or injunctive
13 or other equitable relief.

14 “(4) The court may award to the prevailing party a
15 reasonable attorney’s fee and other litigation expenses as
16 a part of the costs in an action under this subsection.

17 “(d) This section does not prohibit—

18 “(1) any expressive conduct protected by the
19 first article of amendment to the Constitution from
20 legal prohibition;

21 “(2) conduct by a party to a labor dispute in
22 furtherance of labor or management objectives in
23 that dispute; or

24 “(3) conduct—

1 “(A) in the course of official duty by a
2 government official;

3 “(B) by agents of public utilities carrying
4 out that agency; or

5 “(C) by agents of the medical facility, or
6 the building in which it is located, carrying out
7 that agency.

8 “(e) Congress does not intend this section to provide
9 the exclusive remedies with respect to the conduct prohib-
10 ited by it, nor to preempt the legislation of the States that
11 may provide such remedies.

12 “(f) As used in this section, the term ‘reproductive
13 health services’ includes medical, surgical, or counselling
14 services relating to the human reproductive system.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of chapter 13 of title 18, United States
17 Code, is amended by adding at the end the following new
18 item:

“248. Blocking access to clinic entrances.”.

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