

Calendar No. 316

103D CONGRESS
1ST SESSION

H. R. 796

AN ACT

To amend title 18, United States Code, to assure freedom of access to reproductive services.

NOVEMBER 19 (legislative day, NOVEMBER 2), 1993
Placed on the calendar

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 19 (legislative day, NOVEMBER 2), 1993

Received; read twice and placed on the calendar

AN ACT

To amend title 18, United States Code, to assure freedom
of access to reproductive services.

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”.

1 **SEC. 2. FREEDOM OF ACCESS TO REPRODUCTIVE HEALTH**
2 **SERVICES.**

3 Chapter 13 of title 18, United States Code, is
4 amended by adding at the end the following:

5 **“§ 248. Blocking access to reproductive health**
6 **services**

7 “(a) PROHIBITED ACTIVITIES.—Whoever—

8 “(1) by force, threat of force, or physical ob-
9 struction, intentionally injures, intimidates, or inter-
10 feres with any person, or attempts to do so, because
11 that person or any other person or class of persons
12 is obtaining or providing reproductive health
13 services; or

14 “(2) intentionally damages or destroys the
15 property of a facility, or attempts to do so, because
16 that facility provides reproductive health services;

17 shall be punished as provided in subsection (b) of this sec-
18 tion and also be subject to the civil remedy provided in
19 subsection (c) of this section, except that a parent or legal
20 guardian of a minor shall not be subject to any penalties
21 or civil remedies under this section for such activities inso-
22 far as they are directed exclusively at that minor.

23 “(b) PENALTIES.—Whoever violates subsection (a) of
24 this section shall—

1 “(1) in the case of a first offense, be fined
2 under this title or imprisoned not more than 1 year,
3 or both; and

4 “(2) in the case of a second or subsequent of-
5 fense after a prior conviction under this section, be
6 fined under this title or imprisoned not more than
7 3 years, or both;

8 except that, if bodily injury results, the length of imprison-
9 ment shall be not more than 10 years, and if death results,
10 it shall be for any term of years or for life.

11 “(c) CIVIL ACTIONS.—

12 “(1) RIGHT OF ACTION GENERALLY.—Any per-
13 son who is aggrieved by a violation of subsection (a)
14 of this section may in a civil action obtain relief
15 under this subsection.

16 “(2) ACTION BY ATTORNEY GENERAL.—If the
17 Attorney General has reasonable cause to believe
18 that any person, or group of persons, is aggrieved by
19 a violation of subsection (a) of this section, the At-
20 torney General may in a civil action obtain relief
21 under this subsection.

22 “(3) ACTIONS BY STATE ATTORNEYS GEN-
23 ERAL.—If an attorney general of a State has reason-
24 able cause to believe that any person or group of
25 persons is aggrieved by a violation of subsection (a)

1 of this section, that attorney general may in a civil
2 action obtain relief under this subsection.

3 “(4) RELIEF.—In any action under this sub-
4 section, the court may award any appropriate relief,
5 including temporary, preliminary or permanent in-
6 junctive relief, and compensatory and punitive dam-
7 ages for each person aggrieved by the violation. With
8 respect to compensatory damages, the aggrieved per-
9 son may elect, at any time before the rendering of
10 final judgment, to recover, in lieu of actual damages,
11 an award of statutory damages in the amount of
12 \$5,000 per violation. The court may award to the
13 prevailing party, other than the United States, rea-
14 sonable fees for attorneys and expert witnesses.

15 “(d) RULES OF CONSTRUCTION.—(1) Nothing in this
16 section shall be construed to prohibit any expressive con-
17 duct (including peaceful picketing or other peaceful dem-
18 onstration) protected from legal prohibition by the first
19 article of amendment to the Constitution.

20 “(2) Nothing in this section shall be construed to
21 interfere with the authority of States to enforce State or
22 local laws regulating the provision of reproductive health
23 services.

24 “(e) NON-PREEMPTION.—Congress does not intend
25 this section to provide the exclusive remedies with respect

1 to the conduct prohibited by it, nor to preempt the legisla-
2 tion of the States that may provide such remedies.

3 “(f) DEFINITIONS.—As used in this section, the fol-
4 lowing definitions apply:

5 “(1) REPRODUCTIVE HEALTH SERVICES.—The
6 term ‘reproductive health services’ means reproduc-
7 tive health services provided in a hospital, clinic,
8 physician’s office, or other facility, and includes
9 medical, surgical, counselling or referral services re-
10 lating to the human reproductive system.

11 “(2) FACILITY.—The term ‘facility’ includes the
12 building or structure in which the facility is located.

13 “(3) PHYSICAL OBSTRUCTION.—The term
14 ‘physical obstruction’ means rendering impassable
15 ingress to or egress from a facility that provides re-
16 productive health services, or rendering passage to
17 or from such facility unreasonably difficult.

18 “(4) STATE.—The term ‘State’ includes a State
19 of the United States, the District of Columbia, and
20 any commonwealth, territory, or possession of the
21 United States.

22 “(5) INTIMIDATE.—The term ‘intimidate’
23 means to place a person in reasonable apprehension
24 of bodily harm to himself or herself or to another.”.

1 **SEC. 3. EFFECTIVE DATE.**

2 This Act takes effect on the date of the enactment
3 of this Act, and shall apply only with respect to conduct
4 occurring on or after such date.

5 **SEC. 4. CLERICAL AMENDMENT.**

6 The table of sections at the beginning of chapter 13
7 of title 18, United States Code, is amended by adding at
8 the end the following new item:

“248. Blocking access to reproductive health services.”.

Passed the House of Representatives November 18,
1993.

Attest: DONNALD K. ANDERSON,
Clerk.