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SB-742 Vaccination sites: unlawful obstruction, intimidation, or harassing. (2021-2022)

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AMENDED IN ASSEMBLY JULY 01, 2021

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CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL

NO. 742

Introduced by Senator Pan

(Coauthors: Assembly Members Levine and Luz Rivas)

February 19, 2021

An act to add Section 594.39 to the Penal Code, relating to crimes, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 742, as amended, Pan. Vaccination sites: unlawful ~~physical~~ obstruction, intimidation, or ~~picketing~~: *harassing*.

(1) Under existing law, it is unlawful for a person to engage in picketing targeted at a funeral during the time period beginning one hour prior to the funeral and ending one hour after the conclusion of the funeral, except upon private property. For purposes of this crime, "picketing" means protest activities engaged in by any person within 300 feet of a burial site, mortuary, or place of worship. Existing law imposes a fine not exceeding \$1,000, imprisonment in a county jail not exceeding 6 months, or by both that fine and imprisonment for a violation.

This bill would make it unlawful, except upon private property, for a person to ~~engage in physical obstruction, intimidation, or picketing targeted at a vaccination site during the time period beginning one hour prior to the vaccination services beginning and ending one hour after the conclusion of the vaccination services.~~ *knowingly approach a person at a vaccination site, as specified, for the purpose of obstructing, injuring, harassing, intimidating, or interfering with, as defined, that person in connection with any vaccination services.* The bill would define ~~"picketing" for these purposes as protest activities engaged in by any person within 300 feet of a vaccination site, and would further define~~ *"vaccination services" as the medical service of administering to an individual a dose of vaccine or other immunizing agent, and would further define* "vaccination site" as the physical location where vaccination services are provided, including, but not limited to, a hospital, physician's office, clinic, or any retail space or pop-up location made available for large-scale vaccination services. The bill would impose a fine not exceeding \$1,000, imprisonment in a county jail not exceeding 6 months, or by both that fine and imprisonment for a violation.

By creating a new crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 594.39 is added to the Penal Code, to read:

~~594.39.(a)It is unlawful, except upon private property, for a person to engage in physical obstruction, intimidation, or picketing targeted at a vaccination site during the time period beginning one hour prior to the vaccination services beginning, and ending one hour after the conclusion of the vaccination services.~~

594.39. (a) It is unlawful to knowingly approach within 30 feet of any person while a person is making the approach within 100 feet of the entrance of a vaccination site and is seeking to enter or exit a vaccination site, or any occupied motor vehicle seeking entry or exit, for the purpose of obstructing, injuring, harassing, intimidating, or interfering with that person or vehicle occupant in connection with any vaccination services.

(b) A violation of subdivision (a) is punishable by a fine not exceeding one thousand dollars (\$1,000), imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment.

(c) For purposes of this section:

(1) "Intimidation" means ~~to place a person in reasonable apprehension of bodily harm to themselves or to another.~~ *to make a true threat directed to a person or group of persons with the intent of placing that person or group of persons in fear of bodily harm or death.*

(2) "True threat" means *a statement where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular person or group of persons regardless of whether the person actually intends to act on the threat.*

~~(2)~~

(3) ~~"Physical obstruction"~~ *"Obstructing"* means rendering ingress to or egress from a vaccination site, or rendering passage to or from a vaccination site, unreasonably difficult or ~~hazardous to another person.~~ *hazardous.*

~~(3)"Picketing," for purposes of this section only, means protest activities engaged in by a person within 300 feet of a vaccination site.~~

~~(4)"Targeted at" means directed at or toward a person seeking, receiving, or providing vaccination services.~~

(4) *"Harass" means the nonconsensual and knowing approach within 30 feet of another person or occupied vehicle for the purpose of passing a leaflet or handbill, displaying a sign to, or engaging in oral protest, education, or counseling with that other person in a public way or on a sidewalk area.*

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

~~(5)~~

(6) "Vaccination services" means the medical service of administering to an individual a dose of vaccine or other immunizing agent.

~~(6)~~

(7) "Vaccination site" means the physical location where vaccination services are provided, including, but not limited to, a hospital, physician's office, clinic, or any retail space or pop-up location made available for vaccination services.

(d) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of

the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure public peace and safety during the process of distributing vaccinations during the ongoing COVID-19 pandemic and public health crisis, it is necessary for this measure to go into immediate effect.