

LD0215410

## HOUSE BILL NO. 1359

House Amendments in [ ] — January 18, 1995

A BILL to amend and reenact § 18.2-404 of the Code of Virginia, relating to obstruction of free passage; penalty.

Patrons—Woodrum, Copeland, Crittenden, Croshaw, Darner, DeBoer, Dillard, Puller and Rhodes; Senators: Holland, C.A., Houck, Howell, Marsh and Saslaw

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 18.2-404 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-404. Obstructing free passage of others; penalty.

A. Any person or persons who, while in any public place or on any private property open to the public ~~unreasonably or unnecessarily~~, intentionally obstructs the free passage of other persons to and from or within such place or property and who shall fail or refuse to cease such obstruction or move on when requested to do so by the owner or lessee or agent or employee of such owner or lessee or by a duly authorized law-enforcement officer shall be guilty of a Class 1 misdemeanor. Nothing in this ~~section~~ subsection shall be construed to prohibit lawful picketing [ or assembly ] .

B. Any person who, while in, near or on a health care facility open to the public, intentionally obstructs the free passage of other persons to and from or within such [ ~~place or property~~ health care facility ] and who fails or refuses to cease such obstruction or move on when requested to do so by (i) the owner, lessee, agent, or employee of such owner or lessee; (ii) a duly authorized law-enforcement officer; or (iii) a person seeking entry into or exit from the health care facility, shall be guilty of a Class 1 misdemeanor. Any person who is convicted of a second or subsequent offense under this subsection when such offense occurred within three years of a prior offense for which a conviction was had under this subsection shall be sentenced to a mandatory minimum term of confinement of [ not less than ] thirty days and a mandatory minimum fine of \$2,000. Nothing in this subsection shall be construed to prohibit lawful picketing or assembly.

For purposes of this subsection:

"Health care facility" means a physician's office, or a facility or institution licensed by this Commonwealth to provide health care or professional services as a physician or hospital.

"Mandatory minimum" means that the portion of the sentence described shall be served without suspension, in whole or in part, and without probation, and that the person convicted shall not be eligible to earn good conduct credits during that period.

ENGROSSED

HB1359E