

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-404 of the Code of Virginia, relating to obstruction of free*
3 *passage; penalty.*

4 [H 1359]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-404 of the Code of Virginia is amended and reenacted as follows:**

8 § 18.2-404. Obstructing free passage of others; penalty.

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

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

25 *For purposes of this subsection:*26 *"Health care facility" means a physician's office, or a facility or institution licensed by this*
27 *Commonwealth to provide health care or professional services as a physician or hospital.*

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

ENROLLED

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