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PRESS RELEASE

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Thursday, July 24, 2014

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Gobi, House Pass Legislation to Promote Public Safety, Protect Access to Care
Bill addresses Supreme Court decision to strike down buffer zone law

(BOSTON) – Representative Gobi (D-Spencer) joined her colleagues in the House of Representatives to pass legislation that enhances public safety and protects access to reproductive health care facilities in Massachusetts.

The bill does not create a new buffer zone but instead authorizes law enforcement officials to issue a withdrawal order to someone blocking access to a facility entrance or driveway. Following dispersal, the individual must remain at least 25 feet from the facility’s entrances and driveways for a maximum of eight hours. The legislation requires the boundary to be clearly marked and the withdrawal law to be posted.

“Through a focus on conduct, this legislation will enhance public safety and protect access to care,” House Speaker Robert A. DeLeo (D-Winthrop) said. “My priority is protecting individuals using these health care facilities and I thank my colleagues in the Legislature, Senate President Murray and Attorney General Coakley for their vigilance in this regard.”

“I respect the decision of the Supreme Court and their guidance in crafting new language that protects free speech and public safety,” said Rep. Gobi.

The bill prohibits:

- A person from intentionally injuring or intimidating, or attempting to do the same, a person trying to access or depart from a facility by force, physical act or threat of force; and,
- Impeding a patient or staff member’s access or departure to a facility with the clear intent to interfere with the person’s ability to receive or provide services; and,

- Recklessly interfering with a vehicle attempting to access or departure a facility.

The bill aims to improve compliance by allowing for an affected individual, entity or the Attorney General to bring a civil action in Superior Court seeking injunctive relief, damages and attorneys' fees. The court would be able to award civil penalties. Any violation of an injunction would result in a criminal offense.

Under this legislation the Massachusetts Civil Rights Act would be updated to give the Attorney General the power to obtain compensatory damages, recover litigation costs and fees, and seek penalties for the interference of constitutional rights.

The bill passed the House 116 to 35.

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