



NEW EMERGING ISSUES
50-State Survey

Legal Protections for Public Health Officials

Background

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this chart. Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state **and** local officials.

State	Statute	Who is covered?	What is prohibited?	Penalties
Alabama	Ala.Code 1975 § 13A-10-2	All state and local public servants	Using intimidation, physical force, interference, or other unlawful acts to obstruct, impair or hinder or prevent a public servant from performing a governmental function	Up to 1 year imprisonment and/or up to \$6,000 fine

Alaska	X	X	X	X
Arizona	A.R.S. § 13-2402	All state and local public servants	Using or threatening to use violence or physical force to obstruct, impair or hinder the performance of a governmental function	Up to 6 months imprisonment and/or up to \$2,500 fine
Arkansas	A.C.A. § 5-54-102	All state and local public servants	Obstructing, impairing, or hindering the performance of any governmental function	Up to 1 year imprisonment and/or up to \$2,500 fine
California	West's Ann.Cal.Penal Code § 76	All state and local public officials	Threatening the life or serious bodily harm of a public official	Up to \$5,000 in fines and/or up to 1 year imprisonment. Increasing penalties for subsequent convictions.
Colorado	C.R.S.A. § 18-8-102	All state and local public servants	Obstructing, impairing, or hindering a public servant's performance of a governmental function by using or threatening to use violence, force, physical interference, or obstacle	Up to 6 months imprisonment and/or \$50-\$750 fine
Connecticut	X	X	X	X

District of Columbia	DC ST § 22-851	All public officials or employees	(1) Threatening, forcing, sending a threatening communication, which attempts to or does intimidate, impede, interfere with, or retaliate against any official or employee while performing duties (2) Stalking, threatening, assaulting, injuring any official or employee or vandalizing, damaging, destroying, or taking the property of an official or employee, while the official or employee performs their duties	(1) Punishable by imprisonment for up to 5 years and/or up to a \$12,500 fine (2) Punishable by imprisonment for up to 3 years and/or up to \$12,500 fine
Delaware	11 Del.C. § 1240	All state and local public officials or servants	Threatens to commit any crime likely to result in death or in serious injury to a public official or public servant due to their official work duties	Up to 2 years imprisonment and fines left to judicial discretion
Florida	X	X	X	X
Georgia	X	X	X	X
Hawaii	HRS § 710-1010	All state and local public servants	Using or threatening to use violence, force, physical interference or obstacle, a person obstructs, impairs, or hinders a public servant's	Up to 1 year imprisonment and/or up to \$2000 fine

			performance of a governmental function	
Idaho	I.D. § 18-1353	All state and local public servants	Unlawfully threatens harm to any public servant to influence his decision, opinion, recommendation, vote or other exercise of discretion or threatens harm to any public servant	The penalty for a misdemeanor is up to 6 months imprisonment and/or up to \$1,000 fine. Misdemeanor unless the threat made with the purpose of influencing a decision, then it becomes a felony, punishable by up to 5 years imprisonment and/or up to \$50,000 fine.
Illinois	720 ILCS 5/31-1	All state and local peace officers (will not apply to public health officials)	Resists or obstructs the performance of a peace officer, firefighter, or correctional institution employee of any authorized act within his or her official capacity	Up to 1 year imprisonment and/or up to \$2,500 fine
Indiana	IC ST 35-45-2-1	All persons are protected , but there are escalating penalties if the crime was committed against government officials	Communicates a threat with the intent to cause another person to be placed in fear of retaliation for a lawful act; or causes a building, vehicle or other structure to be evacuated or to interfere with the occupancy of a building	Depending on the facts: Class A misdemeanor, Level 5 Felony, or Level 6 Felony Class A Misdemeanor = maximum 1 year imprisonment and/or maximum of \$5,000 in fines Level 5 Felony

				maximum 6 years imprisonment and/or maximum \$10,000 fine Level 6 Felony – between 6 months to 2 and a half years imprisonment and maximum \$10,000 fine
Iowa	I.C.A. § 718.4	All state and local public employees	Prevents or attempts to prevent any public officer or employee from performing their duties	Up to 30 days incarceration and/or \$65-\$625 fine
Kansas	K.S.A. 21-5922	All state and local public officials or employees	Impedes any public official or employee in the lawful performance of their job or knowingly impedes and disrupts by any act of intrusion into a chamber used for any executive body	<p>Depending on the facts the offense is either a Class A non-person misdemeanor or level 6 person felony.</p> <p>A Class A non-person misdemeanor is punishable by up to 1 year imprisonment and/or up to \$2,500 fine.</p> <p>A Level 6 person felony is punishable by imprisonment determined by the Kansas Felony Sentencing Grid and/or up to \$100,000 fine.</p>
Kentucky	KRS § 519.020	All state and local public servants	Intentionally obstructs, impairs or hinders the performance of a governmental function by using or threatening to use violence, force or physical interference	Up to 12 months imprisonment and/or up to \$500 fine

Louisiana	LSA-R.S. 14:122.2	Only state public officials	Threatening a public official by engaging in any verbal or written communication that communicates a true threat	Up to 6 months imprisonment, and/or maximum \$500 fine
Maine	17-A M.R.S.A. § 751	All state and local public servants	Interferes by force, violence, intimidation or by any physical act with a public servant performing or purporting to perform an official function	Up to 1 year imprisonment and/or up to \$2000 fine
Maryland	X	X	X	X
Massachusetts	X	X	X	X
Michigan	MI ST 333.1291	All state and local health officers and others enforcing health law	Oppose or obstruct a department representative, health officer, or other person charged with enforcement of a health law in performance of that person's duty to enforce that law	Up to 90 days imprisonment and/or up to \$500 fine
Minnesota	M.S.A. §609.713	All persons	Threatens to commit a crime of violence to terrorize another or cause evacuation of a building or place, or otherwise cause serious public inconvenience	Up to 5 years imprisonment and/or up to \$10,000 fine

Mississippi	Miss. Code Ann. § 97-7-17; Miss. Code Ann. § 97-7-63	All persons holding state or local office	<p>Miss. Code Ann. § 97-7-17 Conspire to prevent by force, intimidation or threat, any person from discharging their duties as an officer or to interrupt, hinder or impede their official duties</p> <p>Miss. Code Ann. § 97-7-63 Obstruct or unreasonably interfere with free entrance to and from any public premises (state, county, or municipal owned)</p>	<p>Miss. Code Ann. § 97-7-17 Up to 5 years imprisonment and/or up to \$1,000 fine</p> <p>Miss. Code Ann. § 97-7-63 Up to 6 months imprisonment and/or up to \$500 fine</p>
Missouri	V.A.M.S. 576.030	All state and local officials	Obstructs, impairs, hinders, or perverts the performance of a governmental function by the use or threat of violence, force, or other physical interference or obstacle	Up to 6 months imprisonment and/or up to \$1,000 fine
Montana	MCA 45-7-302	All state and local public servants	Obstructs, impairs, or hinders the enforcement of the criminal law, the preservation of the peace, or the performance of a governmental function	Up to 6 months imprisonment and/or fine up to \$500
Nebraska	Neb.Rev.St. § 28-901	All state and local public servants	Obstructs, impairs, or perverts the administration of law or other governmental functions by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act	Up to 1 year imprisonment and/or up to \$1000 fine

Nevada	N.R.S. 197.090	All state and local public officers	Deters or prevents a public officer by threat, force, or violence from performing any duty imposed by law	Up to 364 days of imprisonment and/or up to \$2,000 fine
New Hampshire	N.H. Rev. Stat. § 642:1	All state and local public servants	Using intimidation, actual or threatened force or violence, or engages in any other unlawful conduct to hinder or interfere with a public servant.	Up to 1 year imprisonment and/or up to \$2,000 fine
New Jersey	N.J.S.A. 2C:29-1 ; N.J.S.A. 2C:27-3	All state and local public servants	N.J.S.A. 2C:29-1 Obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from lawfully performing an official function by flight, intimidation, force, violence, or physical interference or obstacle, or unlawful act. N.J.S.A. 2C:27-3 Threatens unlawful harm to any person to influence a decision, opinion, recommendation, vote or exercise of discretion of a public servant or threatens harm to any public servant with purpose to influence a decision, opinion, recommendation, vote	N.J.S.A. 2C:29-1 Up to 6 months imprisonment and/or up to \$1000 fine N.J.S.A. 2C:27-3 Up to 3-5 years imprisonment and/or up to \$15,000 fine
New Mexico	N. M. S. A. 1978, § 30-20-13	All state and local public officials	Shall not deny to public officials freedom of movement within a building, lawful use of the building, right to enter and exit the building; shall not impede a public official through the use of	Up to 6 months imprisonment and/or up to \$500 fine

			restraint, abduction, coercion or intimidation or when force and violence are present or threatened; shall not refuse to leave public property when requested to do so by lawful custodian	
New York	McKinney's Public Health Law § 12-c ; McKinney's Penal Law § 195.05	McKinney's Public Health Law § 12-c All state and local health officers and others enforcing health laws McKinney's Penal Law § 195.05 All state and local public servants	McKinney's Public Health Law § 12-c Opposes or obstructs a health officer or physician charged with enforcement of the health laws, in performing any legal duty McKinney's Penal Law § 195.05 Obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force, interference, or by means of any independently unlawful act	McKinney's Public Health Law § 12-c Up to 1 year imprisonment and a fine up to \$2,000 for a first offense (up to \$10,000 if serious harm results to patients and \$5,000 for a subsequent offense within 12 months of the first if the same violation is committed) McKinney's Penal Law § 195.05 – Class A Up to 1 year imprisonment and/or up to \$1,000 fine
North Carolina	N.C.G.S.A. § 14-16.7 ; N.C.G.S.A. § 14-16.6	All state and local legislative or executive officers (does not include public health officials)	N.C.G.S.A. § 14-16.7 Threatens to inflict serious bodily injury; submits threatening mail to a legislative officer, executive officer, or court officer N.C.G.S.A. § 14-16.6	3- 12 months imprisonment; heightened penalties for offenses involving deadly weapon Fines are discretionary

			Assaulting or attacking a legislative officer, executive officer in retaliation of the exercise of that officer's duties	
North Dakota	NDCC, 12.1-08-01	All state and local public servants	Obstructs, impairs, impedes, hinders, prevents, or perverts the administration of law or other governmental function	Up to 1 year imprisonment and/or up to \$3,000 fine
Ohio	R.C. § 2921.03 (first and second version)	All state and local public servants	Forces or threatens harm to any person or property, or by filing, recording, or otherwise using a materially false or fraudulent writing with malicious purpose to influence, intimidate, or hinder a public servant in the discharge of public duties	9 to 36 months imprisonment and/or up to \$10,000 fine
Oklahoma	21 Okl.St. Ann. § 280	Only state employees	Disturb, interfere or disrupt state business, agency operations or any employee, agent, official or representative of the state	Up to 1 year imprisonment and/or up to \$1,000 fine
Oregon	O.R.S. § 162.235	All state and local government operations	Obstructs, impairs or hinders the administration of law or other governmental or judicial function by means of intimidation, force, physical or economic interference	Up to 364 days imprisonment and/or up to \$6,250 fine
Pennsylvania	18 Pa.C.S.A. § 5101	All state and local government functions	Obstructs, impairs or perverts the administration of law or other governmental function by force, violence, physical interference or obstacle, breach	Up to 2 years imprisonment and/or up to \$5,000 fine

			of official duty, or any other unlawful act	
Rhode Island	X	X	X	X
South Carolina	X	X	X	X
South Dakota	SDCL § 22-11-3	All state and local public officers and employees	Obstructs or attempts to obstruct a public officer or employee in the performance of any official duty	Up to 30 days imprisonment and/or up to \$500 fine
Tennessee	X	X	X	X
Texas	V.T.C.A., Penal Code § 38.15	All state and local persons with responsibility for assessing, enacting, or enforcing public health measures	Interrupts, disrupts, impedes, or interferes with a person who has responsibility for assessing, enacting, or enforcing public health measures	Up to 180 days imprisonment and/or up to \$2,000 fine
Utah	U.C.A. 1953 § 76-8-301	All state and local public servants	Uses force, violence, intimidation, or engages in any other unlawful act to interfere with a public servant performing or purporting to perform an official function	Depending on the facts either: Class B misdemeanor: up to 6 months imprisonment and/or up to \$1,000 fine

				OR Class C misdemeanor: up to 90 days imprisonment and/or up to \$750 fine
Vermont	13 V.S.A. § 3001	All state and local executive officers (does not apply to public health officials)	A person may not hinder an executive or civil officer acting under the authority of the State or any of its political subdivisions	Up to 3 years imprisonment and/or fine up to \$500
Virginia	X	X	X	X
Washington	West's RCWA 9A.76.180	All state and local public servants	Uses a threat to influence or attempt to influence a public servant's vote, opinion, decision, or other official action	Up to 10 years imprisonment and/or up to \$20,000 fine
West Virginia	W. Va. Code, § 16-2-15	All local public health officers	Obstructs any local health officer or person charged with the enforcement of any public health law, in the performance of that person's legal duties in enforcing the law	Fine of \$200-\$1,000
Wisconsin	X	X	X	X



Wyoming	X	X	X	X
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SUPPORTERS



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