



LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

Alabama Fact Sheet

Obstructing Government Operations

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. Below is more information on Alabama's relevant law.

Alabama Criminal Code, § 13A-10-2 Obstructing government operations

(a) A person commits the crime of obstructing governmental operations if, by means of intimidation, physical force or interference or by any other independently unlawful act, he:

- (1) Intentionally obstructs, impairs or hinders the administration of law or other governmental function; or
- (2) Intentionally prevents a public servant from performing a governmental function.


(b) This section does not apply to the obstruction, impairment or hindrance of the making of an arrest.

(c) Obstructing governmental operations is a Class A misdemeanor.

Relevant Definitions

Alabama Criminal Code, § 13A-10-1 Definitions

"Government" means the state, county, municipality, or other political subdivision thereof, including public county and city boards of education, the youth services department district, the Alabama Institute for Deaf and Blind, and all educational institutions under the auspices of the State Board of Education.



“Government function” means any activity which a public servant is legally authorized to undertake on behalf of a government or the fire control activities of a member of a volunteer fire department.

“Public servant” means any officer or employee of government, including legislators and judges and any person or agency participating as an adviser, consultant, or otherwise in performing a governmental function.

Penalties

Alabama Criminal Code, § 13A-5-7

Classified as a Class A misdemeanor and carries up to 364 days imprisonment

Alabama Criminal Code, § 13A-5-12

\$6,000 maximum fine

Summary

A person obstructs government operations if by means of intimidation, physical force, interference or any unlawful act, he/she intentionally obstructs, impairs or hinders the administration of law or other governmental function or prevents a public servant from performing a governmental function. “Government” includes any municipality, or political subdivision. “Public servants” include officers and employees of government as well advisers, consultants, or others performing governmental functions. A person convicted faces imprisonment up to 364 days and a \$6,000 maximum fine.

Template for Notifying Violators

Below is a sample template for notifying individuals regarding their conduct relative to the code.

Alabama Criminal Code, § 13A-10-2 prohibits the obstruction of governmental operations by intimidation, physical force, or interference. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to Dr. X, the Secretary of Health for Alabama, threatening to come to her home and show your opposition to the State’s mask requirement.] *This may constitute a violation of §13A-10-2. If convicted, you face a fine of up to \$6,000 and imprisonment up to 364 days.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*