

File No. 180617

Committee Item No. 4

Board Item No. 12

COMMITTEE/BOARD OF SUPERVISORS

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Comm: Public Safety & Neighborhood Services
Board of Supervisors Meeting:

Date: Sept. 12, 2018

Date: Sept. 18, 2018

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Prepared by: John Carroll

Date: Sept. 7, 2018

Prepared by: John Carroll

Date: Sept. 13, 2018

1 [Police Code - Access to Reproductive Health Care Facilities]

2
3 Ordinance amending the Police Code to require law enforcement officials to provide
4 either a verbal warning or a written warning, rather than having to provide a written
5 warning, prior to issuing a dispersal order to ensure access to a reproductive health
6 care facility.

7 NOTE: Unchanged Code text and uncodified text are in plain Arial font.
8 Additions to Codes are in *single-underline italics Times New Roman font*.
9 Deletions to Codes are in ~~italics Times New Roman font~~.
10 Board amendment additions are in double-underlined Arial font.
11 Board amendment deletions are in ~~Arial font~~.
12 Asterisks (* * * *) indicate the omission of unchanged Code
13 subsections or parts of tables.

12 Be it ordained by the People of the City and County of San Francisco:

13
14 Section 1. Article 43 of the Police Code is hereby amended by revising Section 4304,
15 to read as follows:

16 **SEC. 4304. ENFORCEMENT.**

17 (a) **Criminal Enforcement.** Any person who violates Section 4303 of this Article 43
18 shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by
19 incarceration in the County Jail, fine, or both. Upon a first conviction for violation of Section
20 4303, the person shall be incarcerated in the County Jail for up to three months, or fined up to
21 \$500, or both. Upon a subsequent conviction for violation of Section 4303, the person shall be
22 incarcerated in the County Jail for up to six months, or fined up to \$1000, or both.

23 (b) **Civil Enforcement.** An aggrieved person may enforce the provisions of this
24 Article 43 by means of a civil action. An aggrieved person includes any reproductive health
25 care facility that is the site of a violation of this Article. Any person who violates any of the

1 provisions of this Article or who aids in the violation of this Article shall be liable to the
2 aggrieved person for special and general damages, but in no case less than \$1000 plus
3 attorneys' fees and the costs of the action. In addition, punitive damages may be awarded in a
4 proper case.

5 (c) **Dispersal Order.** A law enforcement official may order the immediate dispersal of
6 a gathering that continues to violate ~~§~~Section 4303 after a ~~written~~ or verbal warning. A
7 dispersal order issued pursuant to this subsection (c) shall include the following statements:

8 (1) the gathering has substantially impeded access to or departure from the reproductive
9 health care facility; (2) each member of the gathering shall, under the penalty of arrest and
10 prosecution, immediately disperse and cease to stand or be located within at least 25 feet of
11 an entrance or a driveway to the reproductive health care facility; and (3) the order shall
12 remain in place for eight hours or until the close of business of the reproductive health facility,
13 whichever is earlier. This subsection (c) shall apply during the business hours of a
14 reproductive health care facility and up to one hour before the posted business hours.

15 (d) **Other Enforcement.** Nothing in this Article 43 shall preclude any person from
16 seeking any other remedies, penalties, or procedures provided by law.

17
18 Section 2. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor's veto of the ordinance.

22
23 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the "Note" that appears under
3 the official title of the ordinance.

4
5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By:


8 ALICIA CABRERA
9 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Amended in Committee - September 12, 2018)

[Police Code - Access to Reproductive Health Care Facilities]

Ordinance amending the Police Code to require law enforcement officials to provide a verbal warning, rather than having to provide a written warning, prior to issuing a dispersal order to ensure access to a reproductive health care facility.

Existing Law

Currently, officers are required to provide a written warning prior to issuing a dispersal order.

Amendments to Current Law

This amendment would allow officers to provide a verbal warning prior to issuing a dispersal order.

Background Information

This legislative digest reflects amendments adopted by the Public Safety and Neighborhood Services Committee on September 12, 2018.

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