



NEW EMERGING ISSUES

50-State Survey: Threats and Interfering with Government Operations

Legal Protections for Public Health Officials: Threats and Interfering with Government Operations

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. States with laws that cover other public officials, but not public health officials, were not included in this chart. 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 2, 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 elected public officials	Threatening death or serious bodily harm to an elected 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	(1) Punishable by imprisonment for up to 5 years and/or up to a \$12,500 fine

			<p>against any official or employee while performing duties</p> <p>(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</p>	<p>(2) Punishable by imprisonment for up to 3 years and/or up to \$12,500 fine</p>
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 performance of a governmental function	Up to 1 year imprisonment and/or up to \$2000 fine
Idaho	I.D. § 18-1353	All state and local public servants	Unlawfully threatens harm to any public servant to influence their decision, opinion, recommendation, vote, or other exercise of discretion; or threatens harm to any public servant	<p>Up to 1 year imprisonment and/or up to \$1,000 fine.</p> <p>Misdemeanor unless the threat was made with the purpose of influencing a decision, then it becomes a</p>

				felony, punishable by up to 5 years imprisonment and/or up to \$50,000 fine.
Illinois	X	X	X	X
Indiana	IC ST 35-45-2-1	All persons are protected, but there are escalating penalties if the crime was committed against government officials or because of one's occupation/employment	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 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 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, to 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	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 Miss. Code Ann. § 97-7-63 Obstruct or unreasonably interfere with free entrance to and from any public premises (state, county, or municipal owned)	Miss. Code Ann. § 97-7-17 Up to 5 years imprisonment and/or up to \$1,000 fine Miss. Code Ann. § 97-7-63 Up to 6 months imprisonment and/or up to \$500 fine

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 engaging 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	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

			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	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 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	Up to 6 months imprisonment and/or up to \$500 fine
New York	McKinney's Public Health Law § 12-c McKinney's Penal Law § 195.05	McKinney's Public Health Law § 12-c All 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 Through April 1, 2023 up to 1 year imprisonment and/or 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

				Up to 1 year imprisonment and/or up to \$1,000 fine
North Carolina	X	X	X	X
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	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 of official duty, or any other unlawful act	Up to 2 years imprisonment and/or up to \$5,000 fine

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 \$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	X	X	X	X
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



SUPPORTERS

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This document was developed by Brooke Torton, Senior Staff Attorney for the Network for Public Health Law – Eastern Region Office. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.

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