

US Protest Law Tracker:

Bills and Executive Orders Affecting Protests since November 2016

(Update of 29 September 2017)



Adopted

US FEDERAL LAW



Executive Order 13809: The "Presidential Executive Order on Restoring State, Tribal, and Local Law Enforcement's Access to Life-Saving Equipment and Resources" reinstates a program that transfers surplus military equipment to police departments across the country. President Obama had scaled back the 1990s-era program in 2015, following the heavily armed police response to protests against the killing of black men in Ferguson, Missouri and elsewhere. With President Trump's restoration of the

program, police departments will again receive free weaponized vehicles, certain large-caliber ammunition, riot gear, and other military equipment - - which may be used when responding to protests.

Text of Order: <https://www.gpo.gov/fdsys/pkg/FR-2017-08-31/pdf/2017-18679.pdf>

NORTH CAROLINA



HB 527 / S507: Contains mandatory disciplinary sanctions that could be applied to peaceful protesters on college and university campuses. The bill requires universities and colleges to sanction any student who "substantially disrupts the functioning of the constituent institution or substantially interferes with the protected free expression rights of others, including protests and demonstrations that infringe upon the rights of others to engage in and listen to expressive activity."

Text of Bill: <http://ncleg.net/Sessions/2017/Bills/House/PDF/H527v3.pdf>

NORTH DAKOTA (4 initiatives)



EXECUTIVE ORDER 2017-01: Orders the emergency evacuation of the Oceti Sakowin protest camp where opponents of the Dakota Access Pipeline had been camped for several months. The order cites safety concerns as well as potential environmental damage due to "the presence of accumulated waste, abandoned vehicles and unlawful temporary and permanent dwelling structures in this flood-prone area" as grounds for the eviction. Under the order, all persons "occupying or residing in the evacuation

area" had one week to leave.

Text of Order: <https://www.governor.nd.gov/sites/governor/files/documents/Executive%20Order%202017-01.pdf>



HB 1293: Expands the scope of criminal trespass activity under state law such that it could encompass demonstrations or gatherings on private property, if notice against trespass is "clear from the circumstances." The offense could be punishable by up to 30 days in jail and a \$1,500 fine. The law also creates an additional, noncriminal trespass offense and allows officers to issue a citation with a \$250 fine for trespassing.

Text of Bill: <http://www.legis.nd.gov/assembly/65-2017/documents/17-0650-04000.pdf>



Status:

Signed into law 23 Feb 2017

HB 1304: Prohibits the wearing of masks, hoods, or other device that “conceals any portion” of an individual’s face while committing a criminal offense, in order to avoid recognition or identification. As drafted, the offense could encompass, e.g., individuals wearing hooded sweatshirts while participating in a protest and also committing a minor offense such as jaywalking. Commission of the offense comprises a Class A misdemeanor, punishable by up to one year in jail and a \$3,000 fine.

Text of Bill: <http://www.legis.nd.gov/assembly/65-2017/documents/17-0311-04000.pdf>



Status:

Signed into law 23 Feb 2017

HB 1426: Increases the penalties imposed for riot offenses. Under the law, participation in a riot is a Class A rather than Class B misdemeanor, punishable by up to one year in prison and a \$3,000 fine. Engaging in a riot involving more than 100 people is made a Class B felony, subject to ten years in prison and a \$20,000 fine.

Text of Bill: <http://www.legis.nd.gov/assembly/65-2017/documents/17-8158-02000.pdf>

OKLAHOMA (2 bills)



Status:

Signed into law 3 May 2017

OKLAHOMA

HB 1123: Targets protests around certain public facilities by creating a new criminal offense for trespass onto property containing “critical infrastructure.” An extensive list of “critical infrastructure” facilities range from a petroleum refinery to a telephone pole. Willfully entering onto property containing critical infrastructure without permission would be a misdemeanor, punishable by up to \$1,000 or six month in jail, or both.

Evidence of intent to damage or otherwise harm the operations of the infrastructure facility would be a felony, punishable by at least \$10,000 (with no maximum provided) or imprisonment for one year, or both; actual damage or vandalizing of the facility would be punishable by up to 10 years in prison and a \$100,000 fine. Organizations found to have “conspired” with perpetrators would be liable for up to \$1,000,000. The sponsor of the law told a House committee that it was prompted by the Dakota Access Pipeline protests in North Dakota.

Text of Bill: <https://legiscan.com/OK/text/HB1123/2017>



Status:

Signed into law 15 May 2017

OKLAHOMA

HB 2128: Increases the potential penalties levied on individuals who protest on private property without permission. The new law allows prosecutors to hold anyone arrested for or convicted of trespass liable for any damages to personal or real property caused while trespassing.

Text of Bill: http://webserver1.lsb.state.ok.us/cf_pdf/2017-18%20ENR/hB/HB2128%20ENR.PDF

SOUTH DAKOTA



Status:

Signed into law 14 March 2017

SOUTH DAKOTA
HUSHPASSAGE

SB 176: Expands the governor’s authority to curtail protest activities on public lands and restricts protests that interfere with highway traffic. The law enables the governor and sheriff to prohibit gatherings of 20 or more people on public land, if the gathering might damage the land or interfere with the renter’s use of the land. The law enables South Dakota’s Department of Transportation to prohibit or otherwise restrict an individual or vehicle from stopping, standing, parking, or being

present on any highway if it interferes with traffic. The bill would also expand the crime of trespass, providing that an individual who defies a posted order not to enter a zone where assembling has been prohibited would be guilty of criminal trespass. Obstructing traffic or committing criminal trespass are classified as Class 1 misdemeanors, punishable by one year in jail or a \$2,000 fine, or both.

Text of Bill: <http://sdlegislature.gov/docs/legsession/2017/Bills/SB176ENR.pdf>

TENNESSEE

Status:

Signed into law 12 April 2017

SB 0902: Imposes a new fine on any person who intentionally, knowingly, or recklessly obstructs a public highway or street - including in the course of a protest - and in doing so interferes with an emergency vehicle's access to or through the highway or street. "Emergency vehicle" is broadly defined as "any vehicle of a governmental department or public service corporation when responding to an emergency," a police or fire department vehicle, or an ambulance. Unlawful obstruction of a street or

highway was already a Class C misdemeanor subject to up to 30 days in jail; the law adds a \$200 fine to the penalty. Sponsors of the law made clear that it was aimed at protests that obstructed highways.

Text of Bill: <https://legiscan.com/TN/text/SBO902/2017>

VIRGINIA (3 executive orders)

Status:

Signed into law 12 Aug 2017

Executive Order No. 66: Declares a state of temporary state of emergency in Virginia "due to civil unrest leading up to, resulting from, and subsequent to the Unite the Right rally and counter-protests in the City of Charlottesville." Among other things, the state of emergency activated the Virginia National Guard to assist in responding to the violence associated with the white nationalist demonstrations, and allowed state agencies to take extraordinary measures to deal with the emergency. Governor Terry McAuliffe declared

the state of emergency to be in effect for five days, until 17 August 2017.

Text of Order: <http://governor.virginia.gov/media/9419/eo-66-declaration-of-a-state-of-emergency-for-the-commonwealth-of-virginia-due-to-civil-unrest.pdf>

Status:

Signed into law 18 Aug 2017

Executive Order No. 67: Temporarily bans protests at the statue of Confederate General Robert E. Lee in Richmond, Virginia. The Order directs a suspension of all permits for demonstrations, processions, picketing, and "all other like forms of conduct," as well as the display of any flags, banners, or other "demonstratives." The Order cites the violence that erupted during a white nationalist rally in Charlottesville on August 12, and notes that activities surrounding Confederate monuments in Virginia

including the Lee Monument "raise substantial public safety concerns." The Order mandates Virginia's Department of General Services to issue regulations to govern any public use of the Lee Monument by 18 November 2017, and halts the issuance of demonstration permits until such regulations are issued.

Text of Order: <http://governor.virginia.gov/media/9430/eo-67-executive-order-temporarily-suspending-permit-requiring-uses-of-the-lee-monument-in-richmond-virginia-and-directing-review-of-permitting-regulations.pdf>

Status:

Signed into law 24 Aug 2017

Executive Order No. 68: Creates the "Task Force on Public Safety Preparedness and Response to Civil Unrest," tasked with assessing the circumstances that led to violence during the white nationalist demonstrations in Charlottesville on August 11 and 12. The Task Force, which will be chaired by Secretary of Public Safety and Homeland Security Brian Moran, will also be tasked with evaluating Virginia's procedures for preparing and responding to events where civil unrest could occur. In addition to

Secretary Moran, the Task Force will consist of representatives of the Virginia State Police, the Virginia National Guard, the Virginia Department of Emergency Management, local law enforcement agencies, local governing boards, the Office of the Attorney General, any other relevant state and local agencies - and any other members the Secretary deems appropriate. It must submit its final report to the Governor by 1 December 2017.

Text of Order: <http://governor.virginia.gov/media/9444/eo-68-establishing-the-task-force-on-public-safety-preparedness-and-response-to-civil-unrest.pdf>

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ILLINOIS

Status:

Introduced 9 Feb 2017



HB 2939: Contains mandatory disciplinary sanctions that could be applied to peaceful protesters on college and university campuses. The bill would require public universities and community colleges to adopt a policy prohibiting and subjecting to sanction any “protests or demonstrations that infringe upon the rights of others to engage in or listen to expressive activity” on campus. The bill would require administrators to suspend for at least one year or expel any student who is twice

“found responsible for infringing on the expressive rights of others,” such as through a protest of a campus speaker.

Text of bill: <http://ilga.gov/legislation/billstatus>

[asp?DocNum=2939&GAID=14&GA=100&DocTypeID=HB&LegID=104448&SessionID=91](http://ilga.gov/legislation/billstatus.asp?DocNum=2939&GAID=14&GA=100&DocTypeID=HB&LegID=104448&SessionID=91)

IOWA

Status:

Introduced 2 March 2017



SF 426 (formerly SF III): Would prohibit persons from intentionally blocking traffic on Iowa highways, with their bodies or any other obstruction. The bill, which sponsors say is designed to target protests that obstruct highway traffic, provides that individuals who do so are subject to graduated penalties. A second offense may be charged as an aggravated misdemeanor, punishable by up to two years in prison and up to \$6,250

fine, while a third is to be charged as a Class D felony punishable by up to five years

in prison and a \$7,500 fine.

Text of Bill: <https://www.legis.iowa.gov/legislation/BillBook?ga=87&ba=SF426>

KENTUCKY (new)

Status:

Prefiled 24 Aug 2017



BR 175: Would create new penalties for wearing masks, protective gear, or carrying a weapon near a public protest. According to the prefiled bill, an individual within 500 feet of a protest may not wear a mask, hood, helmet, or other facade that “covers any portion of his or her face”. Likewise, individuals within 500 feet of a protest may not wear protective gear such as shields or armor, nor carry a deadly or dangerous weapon. Commission of either act would comprise “disruption of a public protest,”

punishable as a Class A misdemeanor with up to twelve months in jail and a \$500 fine.

Text of Bill: <http://www.lrc.ky.gov/recorddocuments/bill/18RS/BR175/bill.pdf>

MASSACHUSETTS

Status:

Introduced 30 June 2017



HB 916: Would provide for harsh new penalties for individuals who impede traffic in the course of a protest or demonstration. The bill creates a broad offense of intentionally blocking, obstructing, impeding or otherwise interfering with the “normal and reasonable movement of vehicular or pedestrian traffic” on a public street or highway, punishable by up to \$5,000 and a year in jail. Under the bill, police may arrest without a warrant any person they have probable cause to believe has

unlawfully impeded traffic. The bill would further make any person convicted of unlawfully impeding traffic liable for the costs incurred by public and/or private emergency services in responding to the incident.

Text of Bill: <https://malegislature.gov/Bills/190/H916>

MICHIGAN

Status:
Introduced 2 May 2017



SB 350: Contains mandatory disciplinary sanctions that could be applied to peaceful protesters on college and university campuses. The bill would require community and public colleges to prohibit and subject to sanction any “protests or demonstrations that infringe upon the rights of others to engage in or listen to expressive activity” on campus. College administrators would be required to suspend for at least one year or expel any student who is twice “found responsible for infringing on the expressive

rights of others,” for instance through a protest or demonstration.

Text of Bill: <https://www.legislature.mi.gov/documents/2017-2018/billintroduced/Senate/pdf/2017-SIB-0350.pdf>

MINNESOTA (3 bills)

Status:
Introduced 23 Jan 2017



HF 390 / SF 676: Would increase penalties for protesters who intentionally obstruct highways or public roadway access to airports. Under the bill, the offense would be a gross misdemeanor rather than a misdemeanor, punishable by a \$3,000 fine and one year in jail. Minnesota legislators have pledged to revisit the bill, sponsored by State Representative Nick Zerwas, early in the 2018 session.

Text of the Bill: <http://tinyurl.com/jni9pl3>

Status:
Introduced 9 Feb 2017



HF 1066 / SF 918: Would heighten penalties for any individual who “interferes with, obstructs, or renders dangerous for passage” any public highway or any right-of-way within airport property. Doing so would be classified as a public nuisance and a gross misdemeanor, punishable by a \$3,000 fine and one year of jail time.

Text of the Bill: <http://tinyurl.com/mu3yjqg>

Status:
Introduced 2 Feb 2017



HF 322 / SF 679: Would allow the state to sue protesters and charge them for the costs of policing a public assembly. The bill gives state agencies, cities, and counties the authority to bring civil lawsuits against people convicted of unlawful assembly or public nuisance. The lawsuits could seek the full cost of responding to the unlawful assembly, including officer time, law enforcement helicopters, and administrative expenses.

Text of Bill: <http://tinyurl.com/hrttkzb>

MISSOURI (2 bills)

Status:
Introduced 4 Jan 2017



HB 179: Would criminalize intentionally concealing one’s identity while participating in an “unlawful assembly” or rioting. A person who intentionally conceals his or her identity “by the means of a robe, mask, or other disguise” while engaged in an unlawful assembly could be charged with a Class A misdemeanor under the bill, with a penalty of up to a year in jail. The bill exempts identity-concealing coverings for the purposes of religion, safety, or medical needs. The legislature’s website indicates that wearing a “hood” would

also be included in criminalized coverings, although this language does not appear in the current wording of the bill.

Text of Bill: <http://www.house.mo.gov/billtracking/bills171/hrbillspdf/0794H.OII.pdf>

Status:
Introduced 2 Feb 2017



HB 826: Broadly defines an “unlawful assembly” as two or more people who meet “for the purpose of violating any of the criminal laws” of Missouri or the U.S. The bill would further create a new crime of “unlawful traffic interference” to encompass walking, sitting, standing, lying down, or placing an object on any public roadway, with the intention of impeding traffic. The bill provides that commission of “unlawful traffic interference” while participating in an “unlawful assembly” is a

Class D felony, which is subject to up to seven years in prison.

Text of Bill: <http://www.house.mo.gov/billtracking/bills171/hrbillspdf/1669H.OII.pdf>

NORTH CAROLINA (2 bills)

**Status:**

Introduced 13 March 2017; Approved by House 27 April

HB 330: Would eliminate civil liability for the driver of an automobile who hits or otherwise injures a person participating in a protest or demonstration, if the person was blocking traffic in a public street or highway and did not have a permit to do so, and if the driver was exercising "due care." Civil liability is still available to the injured party if the driver acted intentionally.

Text of Bill: <http://www.ncleg.net/Sessions/2017/Bills/House/PDF/H330v2.pdf>

**Status:**

Introduced 9 March 2017

SB 229: Would substantially increase penalties for threats and assaults against former North Carolina officials because of that official's performance. The bill extends by one year the term of office of former executive, legislative, and court officials, for the purpose of criminal provisions related to assaults and threats made against officials that are in office. Accordingly, threatening to inflict serious injury on a former official would be classified as a Class I felony - rather than a misdemeanor - for a period of one year

after the official's term in office. The offense would be subject to up to two years in prison. The bill was sponsored by State Senator Dan Bishop, who had pledged to introduce such legislation after an incident over Inauguration weekend in which demonstrators shouted at North Carolina's former governor, Pat McCrory, in Washington, D.C.

Text of Bill: <http://www.ncleg.net/Sessions/2017/Bills/Senate/PDF/S229vO.pdf>

OREGON

**Status:**

Introduced 9 Jan 2017

SB 540: Would require that public universities and community colleges expel a student who is convicted of participating in a riot.

Text of House Bill: <https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/SB540/Introduced>

PENNSYLVANIA (2 bills)

**Status:**

Introduced 25 April 2017

SB 652: Would heighten potential penalties for protests around "critical infrastructure" by providing for the crime of "criminal trespass." The bill would make it a felony to trespass in a "critical infrastructure facility," which is broadly defined to include natural gas facilities and pipelines as well as cell phone towers, telephone poles, and railroad tracks that are fenced off or posted as no-entry areas. Knowingly entering or trying to enter such an area, including during a protest, would be a second-degree felony

punishable by up to a year in prison and a minimum \$5,000 fine.

Text of Bill: <http://tinyurl.com/y8xtmjyx>

**Status:**

Introduced 16 Aug 2017

SB 754: Would make individual protesters potentially liable for "public safety response costs" incurred by the state or "political subdivision" during a protest or rally. The bill would allow local authorities to seek restitution from protesters convicted of a misdemeanor or felony in the course of a protest or demonstration, in order to pay for the costs of responding to the event. Such costs could include overtime for police officers, emergency medical services, as well as "related legal, administrative, and court expenses."

Text of Bill: <http://tinyurl.com/yc7s6ffs>

RHODE ISLAND

**Status:**

Introduced 1 March 2017

HB 5690: Would eliminate civil liability for the driver of an automobile who hits or otherwise injures a person participating in a protest or demonstration, if the protest or demonstration was blocking traffic and the driver was exercising "due care." Civil liability remains if the driver's actions were intentional.

Text of Bill: <http://webserver.rilin.state.ri.us/BillText/BillText17/HouseText17/H5690.pdf>

TEXAS

Status:

Introduced 20 July 2017

HB 250: Would eliminate civil liability for the driver of an automobile who hits or otherwise injures a person who was participating in a protest or demonstration that blocked traffic, if the driver was exercising "due care." The driver may still be civilly liable if his action was grossly negligent.

Text of Bill: <http://www.legis.state.tx.us/tlodocs/851/billtext/pdf/HB00250I.pdf#navpanes=0>

WASHINGTON (2 bills)

Status:

Introduced 15 Dec 2016; reintroduced 21 June 2017

SB 5009: Would target protests that disrupt roadways, railroads, and other "legally permitted economic activities." The bill heightens penalties for illegal actions that aim to create economic harm by impeding legally-permitted economic activities. According to the bill, if a court finds that the perpetrator of another offense intended to cause economic disruption, his or her sentence can be extended 60 days for a misdemeanor, six months for a gross misdemeanor, and 12 months for a felony.

According to the bill, those who fund or sponsor such actions can be charged as accomplices. The sponsoring state senator first announced the idea behind the bill in November 2016, in response to protests aimed at disrupting economic activities, which he referred to as "economic terrorism."

Text of Bill: <http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Senate%20Bills/5009.pdf>

Status:

Introduced 22 May 2017; reintroduced 21 June 2017

SB 5941: Would prohibit a person from "wearing a mask, hood, or device where any portion of the face is covered as to conceal the identity of the wearer" when they are on public or state-owned property. Commission of this offense would be punishable as a gross misdemeanor. State Senator Jim Honeyford said he sponsored this bill in response to vandalism and violence that he believes occurs "under the guise of political speech," that threatens citizens' "safety and welfare."

Text of Bill: <http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Senate%20Bills/5941.pdf>

WISCONSIN (2 initiatives, 1 new)

Status:

Introduced 19 June 2017

* AB 395, 396, 397: Assembly Bill 395 would newly define "riot" under Wisconsin law and provide for heavy criminal penalties for participants in a riot. The bill broadly defines "riot" as a "public disturbance" that includes an act or threat of violence among an assembly of three or more people that "constitutes a clear and present danger" of damage to persons or property. Accordingly, under Bill 395, individuals in a gathering where a violent or destructive incident takes place could be charged

with participation in a riot, classified as a Class I felony punishable by three and a half years in prison and a \$10,000 fine. Bill 397 provides that participation in a riot (as defined in Bill 395) while carrying a dangerous weapon would be a Class G felony, punishable by up to ten years in prison and a \$25,000 fine. Bill 396 would create a new criminal offense of blocking a public or private thoroughfare or access to a private or public building during a riot (as defined in Bill 395). Doing so would be a misdemeanor punishable by up to nine months in jail.

Text of Bills: <https://docs.legis.wisconsin.gov/2017/related/proposals/ab395>; <https://docs.legis.wisconsin.gov/2017/related/proposals/ab396>; <https://docs.legis.wisconsin.gov/2017/related/proposals/ab397>

Status:

Introduced 5 May 2017; approved by Assembly 21 June

AB 299: Would impose mandatory disciplinary measures on student protesters in certain cases. The bill requires that students who engage in "violent, abusive, indecent, profane, boisterous, obscene, unreasonably loud, or other disorderly conduct that interferes with the free expression of others" on Wisconsin college or university campuses to attend a mandatory disciplinary hearing. The bill would also require campus authorities to suspend for a minimum of one semester or expel a student who

interferes more than once with another's free speech, for instance by protesting a controversial campus speaker.

Text of Bill: <https://docs.legis.wisconsin.gov/2017/related/proposals/ab299>

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Defeated

ARIZONA

Status:

Introduced 19 Jan 2017; approved by Senate on 22 Feb; House consideration denied 28 Feb

SB 1142: Broadens the definition of "riot," from the reckless use or threat of force that disturbs the public peace, to such use or threat of force that either disturbs the public peace or causes property damage. Organizers and protesters could be charged as conspirators, and bystanders could be held liable if they witness someone declare an intention to start a riot. The bill would also add "riot" to the list of offenses included under racketeering law, such that participating in or being near a riot could lead

to prosecution on felony racketeering charges. Under the bill, prosecutors could seize a person's assets under civil forfeiture laws in addition to filing enhanced felony criminal charges.

Text of bill: <https://apps.azleg.gov/BillStatus/GetDocumentPdf/446080>

ARKANSAS

Status:

Introduced 2 March 2017; Approved by Senate 13 March; Approved by House 29 March; Vetoed by Governor 6 April

SB 550: Would introduce a new crime, "unlawful mass picketing." Under the bill, picketing or demonstrating near a private establishment, business, or school would be illegal if it obstructs the entrance to a place of employment or blocks use of roads, railways, or airports. Commission of unlawful mass picketing would be a Class A misdemeanor, subject to up to a year in jail and a fine of up to \$2,500.

Text of Bill: <http://www.arkleg.state.ar.us/assembly/2017/2017R/Bills/SB550.pdf>

COLORADO

Status:

Introduced 11 Jan 2017; Approved by Senate 28 March; Failed in House committee 12 April

SB 17-035: Would substantially increase penalties for environmental protesters. Obstructing or tampering with oil and gas equipment would be reclassified from a misdemeanor to a Class 6 felony, punishable by up to 18 months in prison and a fine of up to \$100,000. The bill's language broadly includes anyone who "attempts to alter, obstruct, interrupt, or interfere with the action of any equipment used or associated with oil or gas gathering operations." In addition to imposing much steeper

penalties on anyone engaging in such activity, the bill also provides that oil and gas firms (or any other "victim") may pursue separate claims against a protester who is also being prosecuted by the state.

Text of bill: http://leg.colorado.gov/sites/default/files/documents/2017A/bills/2017A_035_ren.pdf

FLORIDA

Status:

Introduced 21 Feb 2017; in Senate; Introduced 7 March in House; Failed in Senate committee 8 May

SB 1096 / HB 1419: Would criminalize the obstruction of traffic during an unpermitted protest or demonstration as a second degree misdemeanor, punishable by up to 60 days in prison and a \$500 fine. The bill would also eliminate liability for a driver who unintentionally injures or kills a protestor interfering with traffic during an unpermitted protest or demonstration.

Text of Bill: <http://www.flsenate.gov/Session/Bill/2017/1096/BillText/Filed/PDF>

GEORGIA (2 bills)

Status:

Introduced 10 Jan 2017; approved by Senate 1 March; Failed in House 28 March

SB 1: Broadens the definition of domestic terrorism under Georgia law to potentially include demonstrations, boycotts, and other forms of protest and political expression. Under the bill, the previously high bar for committing domestic terrorism - harm caused to a group of ten or more individuals - is lowered to include causing harm to a single individual or disabling "critical infrastructure." The new target, "critical infrastructure" is in turn very broadly defined to include "public or private systems, functions or assets, whether physical or virtual, vital to the security, governance, public health and safety, economy, or morale of this state or the United States." The bill also introduces a new provision targeting actions that have a political or ideological component, such that domestic terrorism would include an action intended to advance "any ideology or belief," whether held individually or as part of a group. In addition, the bill establishes a new, state-level agency, empowered to monitor and share information about people who could be suspected of engaging in acts of terrorism. Given the broad language of the bill and extreme penalties involved, rights leaders fear that it is aimed to monitor, punish, and chill free speech activities including protests.

Text of Bill: <http://www.legis.ga.gov/Legislation/20172018/167322.pdf>

Status:

Introduced 10 February 2017; Approved by Senate 24 February; Approved by House 24 March without protest provisions

SB 160: As introduced and passed by the Senate, the "Back the Badge" bill included heightened penalties for intentionally or recklessly blocking "any highway, street, sidewalk, or other passage." Accordingly, protesters and demonstrators peacefully obstructing a public sidewalk could have been charged with a misdemeanor of a high and aggravated nature, which under Georgia law is subject to up to a \$5,000 fine or up to one year in jail. These provisions were removed, however, in the version of

the bill approved by the House and sent to the Governor on April 10, 2017.

Text of Bill: <http://www.legis.ga.gov/Legislation/20172018/170731.pdf>

INDIANA

Status:

Introduced 9 Jan 2017; amended in committee 23 Feb; effectively vacated 27 Feb

SB 285: As introduced, the bill would have allowed law enforcement officials to use "any means necessary" to break up public assemblies that obstructed traffic. The bill defined "mass traffic obstruction" as an obstruction of street or highway traffic by at least 10 people as part or result of a protest, riot, or other assembly. It provided that public officials were obliged within 15 minutes of learning of a mass traffic obstruction to dispatch all available law enforcement with directions to "use any

means necessary" to clear the roads of the persons obstructing traffic. After extensive committee amendments softening the bill, the Senate voted on 27 February 2017 effectively to vacate it and instead create a special "study committee" to examine the parameters of "reasonable response" to a mass traffic obstruction. The study committee is to issue its findings and recommendations, including any recommended legislative action, by 1 November 2017.

Text of Bill: <https://iga.in.gov/static-documents/7/9/2/8/79282dd2/SB0285.01.INTR.pdf>

LOUISIANA

Status:

Introduced 30 March 2017; Vetoed by Governor 27 June 2017

HB 269: Contains mandatory disciplinary sanctions that could be applied to peaceful protesters on college and university campuses. Would prohibit "protests and demonstrations that infringe upon the rights of others to engage in or listen to expressive activity" on college campuses. The bill would require public colleges to suspend for at least one year or expel any student found responsible for infringing the expressive rights of others, such as through a protest.

Text of Bill: <http://www.legis.la.gov/legis/ViewDocument.aspx?d=1029581>

MICHIGAN

Status:

Approved by House 7 Dec 2016; failed in committee

HB 4643: Would dramatically increase penalties for picketing and protesting, and make it easier for a court to order that a demonstration cease. Individuals who return to a disruptive demonstration already blocked by a court would face fines of up to \$1,000 per day, with unions or other groups liable to up to \$10,000 per day. The bill allows employers or others affected by mass picketing to bring an action against the demonstrators in local circuit court. It also lowers the threshold required for a court to

order picketers and protesters to stop demonstrating. Under the bill, employers can obtain injunctive relief in some cases.

Text of bill: <http://www.legislature.mi.gov/documents/2015-2016/billengrossed/House/pdf/2015-HEBH-4643.pdf>

MINNESOTA

Status:

Introduced 9 Feb 2017; vetoed by Governor 15 May 2017

HF 896 / SF 803: Would increase penalties for protestors who intentionally obstruct highway or public roadway access to airports, making the offense a gross misdemeanor rather than a misdemeanor. The bill, an omnibus public safety measure, incorporates language from two previously proposed bills aimed at heightening penalties on protesters. It would allow prosecutors to seek a \$3,000 fine and one year of jail time for protesters intentionally blocking or interfering with traffic on a highway or public

roadway within the boundaries of airport property.

Text of the Bill: https://www.revisor.mn.gov/bills/text.php?number=HF896&version=1&session=1s90&session_year=2017&session_number=0

MISSISSIPPI

Status:

Introduced 16 Jan 2017; failed in committee 31 Jan

SB 2730: Would create the felony crime of "maliciously impeding traffic on a public road." The obstructing of a public road or highway by a person "sitting, standing, or lying" would be punishable by a five year prison sentence or a fine of up to \$10,000, or both.

Text of Bill: <http://billstatus.ls.state.ms.us/documents/2017/html/SB/2700-2799/SB2730IN.htm>

NORTH CAROLINA

Status:

Introduced 9 March 2017; Failed in committee 25 April

HB 249: Would target protests that obstruct roadways by newly criminalizing "economic terrorism," defined as the willful or reckless commission of a criminal offense that impedes or disrupts the regular course of business and results in damages of over \$1,000. Commission of economic terrorism would be a Class H felony, punishable by 4 to 25 months in prison. The bill would make an individual participant civilly liable for the costs incurred by the state in responding to an unlawful assembly or riot, or obstruction of traffic (e.g., during

a protest); the individual could be charged in a civil action for related legal, administrative, and court costs as well. Criminal penalties would be heightened for individuals who obstruct traffic by standing, sitting, or lying in a street or highway, as well as for those who remain at the scene of a riot or unlawful assembly after being warned to disperse, which would be punishable by up to 150 days in jail and a discretionary fine.

Text of Bill: <http://www.ncleg.net/Applications/BillLookUp/LoadBillDocument.aspx?SessionCode=2017&DocNum=906&SeqNum=0>

NORTH DAKOTA

Status:

Introduced 16 Jan 2017; failed in House on 13 Feb

HB 1203: Would eliminate the liability of a motorist who causes "injury or death to an individual obstructing vehicular traffic on a public road, street, or highway," as long as the motorist did so unintentionally. Under the bill, such a motorist would not be liable for any damages nor guilty of an offense. Accordingly, the bill would allow motorists to strike and even kill protesters without liability as long as the collision was negligent or accidental.

Text of Bill: <http://www.legis.nd.gov/assembly/65-2017/documents/17-0351-01000.pdf>

TENNESSEE

Status (HB / SB):

Introduced 9 Feb 2017 in both House and Senate; Failed in committee 22 March

HB 0668 / SB 0944: Would provide civil immunity for a motorist who injures a protester who is blocking traffic in a public right-of-way if the driver was exercising "due care." The bill, introduced in both the Tennessee House and Senate, does not eliminate liability if the driver's actions were "willful or wanton." [Text of House Bill: http://www.capitol.tn.gov/Bills/110/Bill/HBO668.pdf](#)

VIRGINIA (2 bills)

Status:

Introduced 6 Jan 2017; failed in Senate on 23 Jan



SB 1055: Would broaden the scope of the state's anti-protesting laws. The bill would increase penalties for people who engage in an "unlawful assembly" after "having been lawfully warned to disperse," elevating the act from a Class 3 misdemeanor, which carries only a maximum \$500 fine, to a Class 1 misdemeanor, which could be subject to up to one year in prison and a fine of up to \$2,500.

Text of Bill: <http://lis.virginia.gov/cgi-bin/legp604.exe?l71+ful+SB1055>

Status:

Introduced 9 Jan 2017; approved by House 26 Jan; approved by Senate 13 Feb; vetoed by Governor 28 April



HB 1791: Would expand the definition of incitement to riot and heighten penalties for encouraging others to produce a riot against a law-enforcement officer, firefighter, or emergency medical personnel. Accordingly, under the Bill, it would be a felony punishable by up to 20 years in prison to encourage people to engage in a peaceful protest if it resulted in acts of force or violence against such officers or personnel.

Text of Bill: <http://lis.virginia.gov/cgi-bin/legp604.exe?l71+ful+HBI791ER+pdf>

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