

# US Protest Law Tracker:

Legislation in US States Affecting the Right to Peaceful Assembly proposed or passed since November 2016  
(Update of 13 June 2017)

**31** Total Bills

**7** Passed into law

**10** Pending

**14** Defeated

## Passed into law

### NORTH DAKOTA (3 bills)

#### Status:

Signed into law 23 Feb 2017

**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%2OENR/hB/HB2128%2OENR.PDF](http://webserver1.lsb.state.ok.us/cf_pdf/2017-18%2OENR/hB/HB2128%2OENR.PDF)

## SOUTH DAKOTA

## Status:

Signed into law 14 March 2017

**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>

[Return to first page](#)

## Pending bills

## IOWA

## Status:

Introduced 2 March 2017

IOWA

**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>

## MINNESOTA (3 bills)

### Status:

Introduced 9 Feb 2017; Approved by House 3 April



HF 896 (formerly HF 55 and HF 390): 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 protestors. It would allow prosecutors to seek a \$3,000 fine and one year of jail time for protestors intentionally blocking or interfering with traffic on a highway or public roadway within the boundaries of airport property.

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

### Status:

Introduced 9 Feb 2017



HF 1066 / SF 918: Would increase penalties for protestors who interfere with, obstruct, or otherwise render dangerous for passage any public highway or 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 protestors 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/hlrbillspdf/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/hlrbillspdf/1669H.OII.pdf>

## NORTH CAROLINA

### Status:

Introduced 2 March 2017; Approved by House 27 April



SB 229 / HB 330: 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



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>

## WASHINGTON (2 bills)



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>



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. Senator 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>

[Return to first page](#)

## Rejected bills

## ARIZONA



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



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](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/SBO285.01INTR.pdf>

## 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>

## 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](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>

Something missing? Contact ICNL's Elly Page with updates or news of additional initiatives that may have been left out: [epage@icnl.org](mailto:epage@icnl.org)

[Return to first page](#)