



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	<a href="#">Ala.Code 1975 § 13A-10-2</a>	<a href="#">All state and local public servants</a>	Using intimidation, physical force, interference, or other unlawful acts to obstruct, impair or hinder or prevent a public servant from performing a governmental function	<a href="#">Up to 1 year imprisonment</a> and/or <a href="#">up to \$6,000 fine</a>

Alaska	X	X	X	X
Arizona	<a href="#">A.R.S. § 13-2402</a>	<a href="#">All state and local public servants</a>	Using or threatening to use violence or physical force to obstruct, impair, or hinder the performance of a governmental function	<a href="#">Up to 6 months imprisonment</a> and/or <a href="#">up to \$2,500 fine</a>
Arkansas	<a href="#">A.C.A. § 5-54-102</a>	<a href="#">All state and local public servants</a>	Obstructing, impairing, or hindering the performance of any governmental function	<a href="#">Up to 1 year imprisonment</a> and/or <a href="#">up to \$2,500 fine</a>
California	<a href="#">West's Ann.Cal.Penal Code § 76</a>	<a href="#">All state and local elected public officials</a>	Threatening death or serious bodily harm to an elected public official	<a href="#">Up to \$5,000 in fines and/or up to 1 year imprisonment.</a> <a href="#">Increasing penalties for subsequent convictions.</a>
Colorado	<a href="#">C.R.S.A. § 18-8-102</a>	<a href="#">All state and local public servants</a>	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	<a href="#">Up to 6 months imprisonment and/or \$50-\$750 fine</a>
Connecticut	X	X	X	X

District of Columbia	<a href="#">DC ST § 22-851</a>	<a href="#">All public officials or employees</a>	(1) Threatening, forcing, sending a threatening communication, which attempts to or does intimidate, impede, interfere with, or retaliate against any official or employee while performing duties  (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	<a href="#">(1) Punishable by imprisonment for up to 5 years and/or up to a \$12,500 fine</a>  <a href="#">(2) Punishable by imprisonment for up to 3 years and/or up to \$12,500 fine</a>
Delaware	<a href="#">11 Del.C. § 1240</a>	<a href="#">All state and local public officials or servants</a>	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	<a href="#">Up to 2 years imprisonment and fines left to judicial discretion</a>
Florida	X	X	X	X
Georgia	X	X	X	X
Hawaii	<a href="#">HRS § 710-1010</a>	<a href="#">All state and local public servants</a>	Using or threatening to use violence, force, physical interference or obstacle, a person obstructs, impairs, or hinders a public servant's	<a href="#">Up to 1 year imprisonment and/or up to \$2000 fine</a>

			performance of a governmental function	
Idaho	<a href="#">I.D. § 18-1353</a>	<a href="#">All state and local public servants</a>	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	<a href="#">Up to 1 year imprisonment and/or up to \$1,000 fine.</a>  <a href="#">Misdemeanor unless the threat was made with the purpose of influencing a decision, then it becomes a felony, punishable by up to 5 years imprisonment and/or up to \$50,000 fine.</a>
Illinois	X	X	X	X
Indiana	<a href="#">IC ST 35-45-2-1</a>	<a href="#">All persons are protected</a> , 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  <a href="#">Class A Misdemeanor maximum 1 year imprisonment and/or maximum of \$5,000 in fines</a>  <a href="#">Level 5 Felony maximum 6 years imprisonment and/or maximum \$10,000 fine</a>

				<a href="#">Level 6 Felony – between 6 months to 2 and a half years imprisonment and maximum \$10,000 fine</a>
Iowa	<a href="#">I.C.A. § 718.4</a>	<a href="#">All state and local public employees</a>	Prevents or attempts to prevent any public officer or employee from performing their duties	<a href="#">Up to 30 days incarceration and/or \$65-\$625 fine</a>
Kansas	<a href="#">K.S.A. 21-5922</a>	<a href="#">All state and local public officials or employees</a>	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	Depending on the facts the offense is either a Class A non-person misdemeanor or level 6 person felony.  <a href="#">A Class A non-person misdemeanor is punishable by up to 1 year imprisonment and/or up to \$2,500 fine.</a>  A Level 6 person felony is punishable by imprisonment determined by the Kansas Felony Sentencing Grid <a href="#">and/or up to \$100,000 fine.</a>
Kentucky	<a href="#">KRS § 519.020</a>	<a href="#">All state and local public servants</a>	Intentionally obstructs, impairs or hinders the performance of a governmental function by using or threatening to use violence, force or physical interference	<a href="#">Up to 12 months imprisonment and/or up to \$500 fine</a>

Louisiana	<a href="#">LSA-R.S. 14:122.2</a>	<a href="#">Only state public officials</a>	Threatening a public official by engaging in any verbal or written communication that communicates a true threat	<a href="#">Up to 6 months imprisonment, and/or maximum \$500 fine</a>
Maine	<a href="#">17-A M.R.S.A. § 751</a>	<a href="#">All state and local public servants</a>	Interferes by force, violence, intimidation or by any physical act with a public servant performing or purporting to perform an official function	<a href="#">Up to 1 year imprisonment and/or up to \$2000 fine</a>
Maryland	X	X	X	X
Massachusetts	X	X	X	X
Michigan	<a href="#">MI ST 333.1291</a>	<a href="#">All health officers and others enforcing health law</a>	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	<a href="#">Up to 90 days imprisonment and/or up to \$500 fine</a>
Minnesota	<a href="#">M.S.A. §609.713</a>	<a href="#">All persons</a>	Threatens to commit a crime of violence, to terrorize another, to cause evacuation of a building or place, or otherwise cause serious public inconvenience	<a href="#">Up to 5 years imprisonment and/or up to \$10,000 fine</a>



Mississippi	<a href="#">Miss. Code Ann. § 97-7-17;</a> <a href="#">Miss. Code Ann. § 97-7-63</a>	<a href="#">All persons holding state or local office</a>	<p>Miss. Code Ann. § 97-7-17</p> <p>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</p> <p>Miss. Code Ann. § 97-7-63</p> <p>Obstruct or unreasonably interfere with free entrance to and from any public premises (state, county, or municipal owned)</p>	<p>Miss. Code Ann. § 97-7-17</p> <p><a href="#">Up to 5 years imprisonment and/or up to \$1,000 fine</a></p> <p>Miss. Code Ann. § 97-7-63</p> <p><a href="#">Up to 6 months imprisonment and/or up to \$500 fine</a></p>
Missouri	<a href="#">V.A.M.S. 576.030</a>	<a href="#">All state and local officials</a>	<p>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</p>	<p><a href="#">Up to 6 months imprisonment and/or up to \$1,000 fine</a></p>
Montana	<a href="#">MCA 45-7-302</a>	<a href="#">All state and local public servants</a>	<p>Obstructs, impairs, or hinders the enforcement of the criminal law, the preservation of the peace, or the performance of a governmental function</p>	<p><a href="#">Up to 6 months imprisonment and/or fine up to \$500</a></p>
Nebraska	<a href="#">Neb.Rev.St. § 28-901</a>	<a href="#">All state and local public servants</a>	<p>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</p>	<p><a href="#">Up to 1 year imprisonment and/or up to \$1000 fine</a></p>

Nevada	<a href="#">N.R.S. 197.090</a>	<a href="#">All state and local public officers</a>	Deters or prevents a public officer by threat, force, or violence from performing any duty imposed by law	<a href="#">Up to 364 days of imprisonment and/or up to \$2,000 fine</a>
New Hampshire	<a href="#">N.H. Rev. Stat. § 642:1</a>	<a href="#">All state and local public servants</a>	Using intimidation, actual or threatened force or violence, or engaging in any other unlawful conduct to hinder or interfere with a public servant	<a href="#">Up to 1 year imprisonment and/or up to \$2,000 fine</a>
New Jersey	<a href="#">N.J.S.A. 2C:29-1</a> <a href="#">N.J.S.A. 2C:27-3</a>	<a href="#">All state and local public servants</a>	<p>N.J.S.A. 2C:29-1</p> <p>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</p> <p>N.J.S.A. 2C:27-3</p> <p>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</p>	<p>N.J.S.A. 2C:29-1</p> <p>Up to <a href="#">6 months imprisonment</a> and/or <a href="#">up to \$1000 fine</a></p> <p>N.J.S.A. 2C:27-3</p> <p>Up to <a href="#">3-5 years imprisonment</a> and/or <a href="#">up to \$15,000 fine</a></p>



New Mexico	<a href="#">N. M. S. A. 1978, § 30-20-13</a>	<a href="#">All state and local public officials</a>	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	<a href="#">Up to 6 months imprisonment and/or up to \$500 fine</a>
New York	<a href="#">McKinney's Public Health Law § 12-c</a> <a href="#">McKinney's Penal Law § 195.05</a>	McKinney's Public Health Law § 12-c  <a href="#">All health officers and others enforcing health laws</a>  McKinney's Penal Law § 195.05  <a href="#">All state and local public servants</a>	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  <a href="#">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)</a>  McKinney's Penal Law § 195.05  <a href="#">Up to 1 year imprisonment and/or up to \$1,000 fine</a>

North Carolina	X	X	X	X
North Dakota	<a href="#">NDCC, 12.1-08-01</a>	<a href="#">All state and local public servants</a>	Obstructs, impairs, impedes, hinders, prevents, or perverts the administration of law or other governmental function	<a href="#">Up to 1 year imprisonment and/or up to \$3,000 fine</a>
Ohio	<a href="#">R.C. § 2921.03</a>	<a href="#">All state and local public servants</a>	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	<a href="#">9 to 36 months imprisonment and/or up to \$10,000 fine</a>
Oklahoma	<a href="#">21 Okl.St. Ann. § 280</a>	<a href="#">Only state employees</a>	Disturb, interfere, or disrupt state business, agency operations or any employee, agent, official, or representative of the state	<a href="#">Up to 1 year imprisonment and/or up to \$1,000 fine</a>
Oregon	<a href="#">O.R.S. § 162.235</a>	<a href="#">All state and local government operations</a>	Obstructs, impairs, or hinders the administration of law or other governmental or judicial function by means of intimidation, force, physical, or economic interference	<a href="#">Up to 364 days imprisonment and/or up to \$6,250 fine</a>
Pennsylvania	<a href="#">18 Pa.C.S.A. § 5101</a>	<a href="#">All state and local government functions</a>	Obstructs, impairs, or perverts the administration of law or other governmental function by force, violence, physical interference or obstacle, breach	<a href="#">Up to 2 years imprisonment and/or up to \$5,000 fine</a>

			of official duty, or any other unlawful act	
Rhode Island	X	X	X	X
South Carolina	X	X	X	X
South Dakota	<a href="#">SDCL § 22-11-3</a>	<a href="#">All state and local public officers and employees</a>	Obstructs or attempts to obstruct a public officer or employee in the performance of any official duty	<a href="#">Up to 30 days imprisonment and/or up to \$500 fine</a>
Tennessee	X	X	X	X
Texas	<a href="#">V.T.C.A., Penal Code § 38.15</a>	<a href="#">All state and local persons with responsibility for assessing, enacting, or enforcing public health measures</a>	Interrupts, disrupts, impedes, or interferes with a person who has responsibility for assessing, enacting, or enforcing public health measures	<a href="#">Up to 180 days imprisonment and/or up to \$2,000 fine</a>
Utah	<a href="#">U.C.A. 1953 § 76-8-301</a>	<a href="#">All state and local public servants</a>	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: <a href="#">up to 6 months imprisonment and/or up to \$1,000 fine</a>

				OR Class C misdemeanor: <a href="#">up to 90 days imprisonment</a> and/or <a href="#">up to \$750 fine</a>
Vermont	X	X	X	X
Virginia	X	X	X	X
Washington	<a href="#">West's RCWA 9A.76.180</a>	<a href="#">All state and local public servants</a>	Uses a threat to influence or attempt to influence a public servant's vote, opinion, decision, or other official action	<a href="#">Up to 10 years imprisonment and/or up to \$20,000 fine</a>
West Virginia	<a href="#">W. Va. Code, § 16-2-15</a>	<a href="#">All local public health officers</a>	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	<a href="#">Fine of \$200-\$1,000</a>
Wisconsin	X	X	X	X



Wyoming	X	X	X	X
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**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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