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

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

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

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

SEC. 4304. ENFORCEMENT.

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

(b) Civil Enforcement. An aggrieved person may enforce the provisions of this Article by means of a civil action. An aggrieved person includes any reproductive health care facility that is the site of a violation of this Article. Any person who violates any of the
provisions of this Article or who aids in the violation of this Article shall be liable to the aggrieved person for special and general damages, but in no case less than $1000 plus attorneys' fees and the costs of the action. In addition, punitive damages may be awarded in a proper case.

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

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

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

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

**Section 3. Scope of Ordinance.** In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By: ALICIA CABRERA
Deputy City Attorney

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City and County of San Francisco

Tails

Ordinance

File Number: 180617  Date Passed: September 25, 2018

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

September 12, 2018 Public Safety and Neighborhood Services Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

September 12, 2018 Public Safety and Neighborhood Services Committee - RECOMMENDED AS AMENDED

September 18, 2018 Board of Supervisors - PASSED ON FIRST READING
   Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang and Yee

September 25, 2018 Board of Supervisors - FINALLY PASSED
   Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani and Tang
   Excused: 1 - Yee

File No. 180617

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/25/2018 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

10/5/18
Date Approved