

# Bill as Introduced

SB 319-FN - AS INTRODUCED

2014 SESSION

14-2812

01/10

SENATE BILL **319-FN**

AN ACT relative to access to reproductive health care facilities.

SPONSORS: Sen. Soucy, Dist 18; Sen. D'Allesandro, Dist 20; Sen. Odell, Dist 8; Sen. Stiles, Dist 24; Sen. Bradley, Dist 3; Rep. Long, Hills 42; Rep. Heath, Hills 14; Rep. Bouchard, Merr 18

COMMITTEE: Judiciary

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ANALYSIS

This bill provides certain parameters for access to reproductive health care facilities. The bill establishes a civil fine and authorizes the attorney general or county attorney to seek injunctive relief in certain circumstances.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT                   relative to access to reproductive health care facilities.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 Statement of Findings and Purposes.

2           I. The New Hampshire general court hereby finds as follows:

3               (a) Access to reproductive health care facilities is important for residents and visitors to  
4 the state of New Hampshire and is a right that must be protected.

5               (b) The exercise of a person's right to protest or counsel against certain medical  
6 procedures is a First Amendment activity that must be protected.

7               (c) Public sidewalks adjacent to reproductive health care facilities in New Hampshire  
8 communities are often narrow, measuring between 6 and 8 feet wide. These sidewalks abut city streets.

9               (d) Under federal law 18 U.S.C. section 248 (2010) it is unlawful for any person to  
10 obstruct or interfere with another person's access to reproductive health care services.

11              (e) Recent demonstrations outside of reproductive health care facilities have resulted in  
12 the fear and intimidation of patients and employees of these facilities.

13              (f) Recent demonstrations outside of reproductive health care facilities have caused patients  
14 and employees of these facilities to believe that their safety and right to privacy are threatened.

15              (g) Recent demonstrations outside of reproductive health care facilities have resulted in  
16 the fear and intimidation of residents and patrons seeking to enter or leave their homes or other  
17 private businesses adjacent to the reproductive health care facilities.

18           II. The general court further finds that it is in the interest of public health, safety and  
19 welfare to regulate the use of public sidewalks and streets adjacent to reproductive health care  
20 facilities to promote the free flow of traffic on streets and sidewalks, reduce disputes and potentially  
21 violent confrontations requiring significant law enforcement services, protect property rights, protect  
22 First Amendment freedoms of speech and expression and secure a citizen's right to seek reproductive  
23 health care services.

24           III. The general court finds that establishing a limited buffer zone outside of some  
25 reproductive health care facilities located in the state of New Hampshire is necessary to ensure that  
26 patients and employees of reproductive health care facilities have unimpeded access to reproductive  
27 health care services while accommodating the First Amendment rights of people to communicate  
28 their message to their intended audience without undue burdens or restrictions.

29           IV. The general court hereby seeks to provide unobstructed access to reproductive health  
30 care facilities by setting clear guidelines for activity in the immediate vicinity of the reproductive  
31 health care facilities.

1 V. Therefore the general court hereby establishes the access to reproductive health care  
2 facilities law to recognize and seek to balance both the fundamental right to assemble peacefully and  
3 to demonstrate on matters of public concern, with the right to seek and obtain reproductive health  
4 care services in a safe and private manner. This law is intended to promote the full exercise of these  
5 rights and to strike an appropriate accommodation between them.

6 2 New Subdivision; Access to Reproductive Health Care Facilities. Amend RSA 132 by inserting  
7 after section 36 the following new subdivision:

8 Access to Reproductive Health Care Facilities

9 132:37 Definitions. In this subdivision:

10 I. "Reproductive health care facility" means a place, other than within or upon the grounds  
11 of a hospital, where abortions are offered or performed.

12 II. "Patient escort services" means the act of physically escorting patients through the buffer  
13 zone to the reproductive health care facility and does not include counseling or protesting of any sort  
14 during such escort service.

15 132:38 Prohibited Acts.

16 I. No person shall knowingly enter or remain on a public way or sidewalk adjacent to a  
17 reproductive health care facility within a radius of 25 feet of any portion of an entrance, exit, or  
18 driveway of a reproductive health care facility. This section shall not apply to the following:

19 (a) Persons entering or leaving such facility.

20 (b) Employees or agents of such facility acting within the scope of their employment for  
21 the purpose of providing patient escort services only.

22 (c) Law enforcement, ambulance, firefighting, construction, utilities, public works and  
23 other municipal agents acting within the scope of their employment.

24 (d) Persons using the public sidewalk or street right-of-way adjacent to such facility  
25 solely for the purpose of reaching a destination other than such facility.

26 II. Reproductive health care facilities shall clearly demarcate the zone established in  
27 paragraph one and post such zone with signage containing the following language:

28 *Reproductive Health Center*

29 *Patient Safety Zone*

30 *No Congregating, Patrolling, Picketing, or Demonstrating Between Signs*

31 *Pursuant to RSA 132:38*

32 III. The provisions of this section shall only be effective during the facility's business hours.

33 132:39 Enforcement; Civil Fine.

34 I. Prior to issuing a citation for a violation of this section, a police officer or any law  
35 enforcement or code enforcement officer shall issue one verbal warning to an individual. If the  
36 individual fails to comply after one warning, such individual shall be given a citation. Failure to  
37 comply after one warning shall be cause for citation whether or not the failure or subsequent failures  
38 are contemporaneous in time with the initial warning.

1           II. Any person who violates this subdivision shall be guilty of a violation and shall be  
2 charged a minimum fine of \$100. In addition, the attorney general or the appropriate county  
3 attorney may bring an action for injunctive relief to prevent further violations of this subdivision.

4           132:40 Severability. If any provision of this subdivision or the application thereof to any person  
5 or circumstances is held invalid, such invalidity shall not affect other provisions or applications of  
6 the subdivision which can be given effect without the invalid provision or application, and to this end  
7 the provisions of this subdivision are declared to be severable.

8           3 Effective Date. This act shall take effect January 1, 2015.

**SB 319-FN - FISCAL NOTE**

AN ACT relative to access to reproductive health care facilities.

**FISCAL IMPACT:**

The Judicial Branch, the Department of Justice, and the New Hampshire Association of Counties state this bill, as introduced, may increase state and county expenditures, and state revenue by indeterminable amounts in FY 2015 and in each year thereafter. There will be no fiscal impact on county or local revenue or local expenditures.

**METHODOLOGY:**

The Judicial Branch states this bill would add RSA 132:37 through 40 regarding access to reproductive healthcare facilities. The Branch indicates the potential fiscal impact is in the enforcement section, proposed RSA 132:39, which makes violations of the bill a violation level offense. In addition, it authorizes the attorney general or county attorney to bring an action for injunctive relief to prevent further violations. The Branch has no information on which to estimate how many additional violation level offenses will result from the proposed bill, but does have information the average cost of processing such cases in the trial court. The estimated cost to the Judicial Branch of an average violation level offense in the district division of the circuit court will be \$45.46 in FY 2015, and \$46.45 in FY 2016. These amounts do not consider the cost of any appeals that may be taken following trial. Regarding injunction actions, the Branch has no information on how many such actions would be filed in the superior court. The New Hampshire Judicial Needs Assessment done by the National Center for State Courts in 2005 classifies injunction actions as complex equity cases. The estimated cost to the Judicial Branch of a complex equity case in the superior court will be \$668.25 in FY 2015, and \$683.30 in FY 2016. These amounts do not consider the cost of potential appeals that may be taken following trial. The Branch indicates the cost estimates are based on studies of judicial and clerical weighted caseload times for processing average cases. These studies are more than eight years old for judicial time and clerical time in the district court and over six year old for clerical time in the superior court and, due to various changes since then, may not have current validity.

The Department of Justice states this bill would establish certain parameters for access to reproductive health care facilities by creating a buffer zone around reproductive health care facilities. The violation level offense created by the bill would typically be prosecuted by a county attorney's office; however there would be some impact to the Department of Justice in

instances when an appeal is taken to the New Hampshire Supreme Court. The Department is not able to estimate how many, if any, of the cases would be appealed to the Supreme Court. In addition, the Department states the bill would authorize the attorney general or a county attorney to bring action for injunctive relief to prevent further violations. The Department cannot determine how many, if any, actions for injunction would be filed by the Department of Justice.

The Association of Counties states this bill provides for certain access to reproductive health care facilities and authorizes the county attorney to bring action for injunctive relief. The Association states the law is enabling only and if exercised may increase county expenditures.

SB 319-FN - FINAL VERSION

15May2014... 1720h

2014 SESSION

14-2812  
01/10

SENATE BILL        **319-FN**

AN ACT            relative to access to reproductive health care facilities.

SPONSORS:        Sen. Soucy, Dist 18; Sen. D'Allesandro, Dist 20; Sen. Odell, Dist 8; Sen. Stiles,  
Dist 24; Sen. Bradley, Dist 3; Rep. Long, Hills 42; Rep. Heath, Hills 14; Rep.  
Bouchard, Merr 18

COMMITTEE:      Judiciary

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ANALYSIS

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2 I. The New Hampshire general court hereby finds as follows:

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4 the state of New Hampshire and is a right that must be protected.

5 (b) The exercise of a person's right to protest or counsel against certain medical  
6 procedures is a First Amendment activity that must be protected.

7 (c) Public sidewalks adjacent to reproductive health care facilities in New Hampshire  
8 communities are often narrow, measuring between 6 and 8 feet wide. These sidewalks abut city streets.

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10 obstruct or interfere with another person's access to reproductive health care services.

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12 the fear and intimidation of patients and employees of these facilities.

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14 and employees of these facilities to believe that their safety and right to privacy are threatened.

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16 the fear and intimidation of residents and patrons seeking to enter or leave their homes or other  
17 private businesses adjacent to the reproductive health care facilities.

18 II. The general court further finds that it is in the interest of public health, safety and  
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20 facilities to promote the free flow of traffic on streets and sidewalks, reduce disputes and potentially  
21 violent confrontations requiring significant law enforcement services, protect property rights, protect  
22 First Amendment freedoms of speech and expression and secure a citizen's right to seek reproductive  
23 health care services.

24 III. The general court finds that establishing a limited buffer zone outside of some  
25 reproductive health care facilities located in the state of New Hampshire is necessary to ensure that  
26 patients and employees of reproductive health care facilities have unimpeded access to reproductive  
27 health care services while accommodating the First Amendment rights of people to communicate  
28 their message to their intended audience without undue burdens or restrictions.

29 IV. The general court hereby seeks to provide unobstructed access to reproductive health  
30 care facilities by setting clear guidelines for activity in the immediate vicinity of the reproductive

1 health care facilities.

2 V. Therefore the general court hereby establishes the access to reproductive health care  
3 facilities law to recognize and seek to balance both the fundamental right to assemble peacefully and  
4 to demonstrate on matters of public concern, with the right to seek and obtain reproductive health  
5 care services in a safe and private manner. This law is intended to promote the full exercise of these  
6 rights and to strike an appropriate accommodation between them.

7 2 New Subdivision; Access to Reproductive Health Care Facilities. Amend RSA 132 by inserting  
8 after section 36 the following new subdivision:

9 Access to Reproductive Health Care Facilities

10 132:37 Definitions. In this subdivision:

11 I. "Reproductive health care facility" means a place, other than within or upon the grounds  
12 of a hospital, where abortions are offered or performed.

13 II. "Patient escort services" means the act of physically escorting patients through the buffer  
14 zone to the reproductive health care facility and does not include counseling or protesting of any sort  
15 during such escort service.

16 132:38 Prohibited Acts.

17 I. No person shall knowingly enter or remain on a public way or sidewalk adjacent to a  
18 reproductive health care facility within a radius up to 25 feet of any portion of an entrance, exit, or  
19 driveway of a reproductive health care facility. This section shall not apply to the following:

20 (a) Persons entering or leaving such facility.

21 (b) Employees or agents of such facility acting within the scope of their employment for  
22 the purpose of providing patient escort services only.

23 (c) Law enforcement, ambulance, firefighting, construction, utilities, public works and  
24 other municipal agents acting within the scope of their employment.

25 (d) Persons using the public sidewalk or street right-of-way adjacent to such facility  
26 solely for the purpose of reaching a destination other than such facility.

27 II. Reproductive health care facilities shall clearly demarcate the zone authorized in  
28 paragraph I and post such zone with signage containing the following language:

29 *Reproductive Health Center*

30 *Patient Safety Zone*

31 *No Congregating, Patrolling, Picketing, or Demonstrating Between Signs*

32 *Pursuant to RSA 132:38*

33 III. Prior to posting the signage authorized under paragraph II, a reproductive health care  
34 facility shall consult with local law enforcement and those local authorities with responsibilities  
35 specific to the approval of locations and size of the signs to ensure compliance with local ordinances.

36 IV. The provisions of this section shall only be effective during the facility's business hours.

37 132:39 Enforcement; Civil Fine.

1 I. Prior to issuing a citation for a violation of this section, a police officer or any law  
2 enforcement officer shall issue one written warning to an individual. If the individual fails to comply  
3 after one warning, such individual shall be given a citation. Failure to comply after one warning  
4 shall be cause for citation whether or not the failure or subsequent failures are contemporaneous in  
5 time with the initial warning.

6 II. Any person who violates this subdivision shall be guilty of a violation and shall be  
7 charged a minimum fine of \$100. In addition, the attorney general or the appropriate county  
8 attorney may bring an action for injunctive relief to prevent further violations of this subdivision.

9 III. This section shall not apply unless the signage authorized in RSA 132:38, II was in place  
10 at the time of the alleged violation.

11 132:40 Severability. If any provision of this subdivision or the application thereof to any person  
12 or circumstances is held invalid, such invalidity shall not affect other provisions or applications of  
13 the subdivision which can be given effect without the invalid provision or application, and to this end  
14 the provisions of this subdivision are declared to be severable.

15 3 Effective Date. This act shall take effect 30 days after its passage.

**SB 319-FN - FISCAL NOTE**

AN ACT relative to access to reproductive health care facilities.

**FISCAL IMPACT:**

The Judicial Branch, the Department of Justice, and the New Hampshire Association of Counties state this bill, as amended by the House (Amendment #2014-1720h), may increase state and county expenditures, and state revenue by indeterminable amounts in FY 2015 and in each year thereafter. There will be no fiscal impact on county or local revenue or local expenditures.

**METHODOLOGY:**

The Judicial Branch states this bill would add RSA 132:37 through 40 regarding access to reproductive healthcare facilities. The Branch indicates the potential fiscal impact is in the enforcement section, proposed RSA 132:39, which makes violations of the bill a violation level offense. In addition, it authorizes the attorney general or county attorney to bring an action for injunctive relief to prevent further violations. The Branch has no information on which to estimate how many additional violation level offenses will result from the proposed bill, but does have information the average cost of processing such cases in the trial court. The estimated cost to the Judicial Branch of an average violation level offense in the district division of the circuit court will be \$45.46 in FY 2015, and \$46.45 in FY 2016. These amounts do not consider the cost of any appeals that may be taken following trial. Regarding injunction actions, the Branch has no information on how many such actions would be filed in the superior court. The New Hampshire Judicial Needs Assessment done by the National Center for State Courts in 2005 classifies injunction actions as complex equity cases. The estimated cost to the Judicial Branch of a complex equity case in the superior court will be \$668.25 in FY 2015, and \$683.30 in FY 2016. These amounts do not consider the cost of potential appeals that may be taken following trial. The Branch indicates the cost estimates are based on studies of judicial and clerical weighted caseload times for processing average cases. These studies are more than eight years old for judicial time and clerical time in the district court and over six year old for clerical time in the superior court and, due to various changes since then, may not have current validity.

The Department of Justice states this bill would establish certain parameters for access to reproductive health care facilities by creating a buffer zone around reproductive health care facilities. The violation level offense created by the bill would typically be prosecuted by a

county attorney's office; however there would be some impact to the Department of Justice in instances when an appeal is taken to the New Hampshire Supreme Court. The Department is not able to estimate how many, if any, of the cases would be appealed to the Supreme Court. In addition, the Department states the bill would authorize the attorney general or a county attorney to bring action for injunctive relief to prevent further violations. The Department cannot determine how many, if any, actions for injunction would be filed by the Department of Justice.

The Association of Counties states this bill provides for certain access to reproductive health care facilities and authorizes the county attorney to bring action for injunctive relief. The Association states the law is enabling only and if exercised may increase county expenditures.

# Amendments

Rep. Gale, Hills. 28  
May 6, 2013  
2014-1720h  
01/03

Amendment to SB 319-FN

Amend the introductory paragraph of RSA 132:38, I as inserted by section 2 of the bill by replacing it with the following:

I. No person shall knowingly enter or remain on a public way or sidewalk adjacent to a reproductive health care facility within a radius up to 25 feet of any portion of an entrance, exit, or driveway of a reproductive health care facility. This section shall not apply to the following:

Amend RSA 132:38, II and III as inserted by section 2 of the bill by replacing them with the following:

II. Reproductive health care facilities shall clearly demarcate the zone authorized in paragraph I and post such zone with signage containing the following language:

*Reproductive Health Center*

*Patient Safety Zone*

*No Congregating, Patrolling, Picketing, or Demonstrating Between Signs*

*Pursuant to RSA 132:38*

III. Prior to posting the signage authorized under paragraph II, a reproductive health care facility shall consult with local law enforcement and those local authorities with responsibilities specific to the approval of locations and size of the signs to ensure compliance with local ordinances.

IV. The provisions of this section shall only be effective during the facility's business hours.

Amend RSA 132:39 as inserted by section 2 of the bill by replacing it with the following:

132:39 Enforcement; Civil Fine.

I. Prior to issuing a citation for a violation of this section, a police officer or any law enforcement officer shall issue one written warning to an individual. If the individual fails to comply after one warning, such individual shall be given a citation. Failure to comply after one warning shall be cause for citation whether or not the failure or subsequent failures are contemporaneous in time with the initial warning.

II. Any person who violates this subdivision shall be guilty of a violation and shall be charged a minimum fine of \$100. In addition, the attorney general or the appropriate county attorney may bring an action for injunctive relief to prevent further violations of this subdivision.

III. This section shall not apply unless the signage authorized in RSA 132:38, II was in place at the time of the alleged violation.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 30 days after its passage.

*defeated  
2-3*



Amendment to SB 319-FN

1 Amend RSA 132:38, III as inserted by section 2 of the bill by replacing it with the following:

2

3 III. Prior to posting the signage authorized in paragraph II, a reproductive health care  
4 facility shall consult with local law enforcement and public works officials to ensure a site plan that  
5 comports with municipal standards.

6 IV. The provisions of this section shall only be effective during the facility's business hours.

7

8 Amend RSA 132:39 as inserted by section 2 of the bill by replacing it with the following:

9

10 132:39 Enforcement; Civil Fine.

11 I. Prior to issuing a citation for a violation of this section, a police officer or any law  
12 enforcement officer shall issue one written warning to an individual. If the individual fails to comply  
13 after one warning, such individual shall be given a citation. Failure to comply after one warning  
14 shall be cause for citation whether or not the failure or subsequent failures are contemporaneous in  
15 time with the initial warning.

16 II. Any person who violates this subdivision shall be guilty of a violation and shall be  
17 charged a minimum fine of \$100 unless such person has previously pled guilty to or been found  
18 guilty under this subdivision in which case the minimum fine shall be \$250. In addition, the  
19 attorney general or the appropriate county attorney may bring an action for injunctive relief to  
20 prevent further violations of this subdivision.

21

22 Amend the bill by replacing section 3 with the following:

23

24 3 Effective Date. This act shall take effect 30 days after its passage.



Rep. Itse, Rock. 10  
May 13, 2014  
2014-1833h  
01/03

Floor Amendment to SB 319-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to access to property used by incorporated entities.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Access to Property Used by Incorporated Entities; Enforcement; Civil Fine. Amend RSA 644 by inserting after section 20 the following new section:

644:21 Access to Property Used by Incorporated Entities; Prohibited Acts; Enforcement; Civil Fine.

I. In this section "incorporated entities" means for-profit and nonprofit entities incorporated in New Hampshire.

II. No person shall knowingly enter or remain on a public way or sidewalk adjacent to any property regularly used by an incorporated entity within a radius of 25 feet of any portion of an entrance, exit, or driveway of such property. This section shall not apply to the following:

(a) Persons entering or leaving such property.

(b) Employees or agents of such incorporated entity acting within the scope of their employment.

(c) Law enforcement, ambulance, firefighting, construction, utilities, public works and other municipal agents acting within the scope of their employment.

(d) Persons using the public sidewalk or street right-of-way adjacent to such property solely for the purpose of reaching a destination other than such property.

III.(a) Incorporated entities shall clearly demarcate the zone authorized in paragraph I and post such zone with signage containing the following language:

*Safety Zone*

*No Congregating, Patrolling, Picketing, or Demonstrating Between Signs*

*Pursuant to RSA 644:21*

(b) Prior to posting the signage authorized under subparagraph (a), an incorporated entity shall consult with local law enforcement and those local authorities with responsibilities specific to the approval of locations and size of the signs to ensure compliance with local ordinances.

IV. The provisions of this section shall only be effective during the incorporated entity's business hours.

V. Prior to issuing a citation for a violation of this section, a police officer or any law enforcement or code enforcement officer shall issue one verbal warning to an individual. If the individual fails to comply after one warning, such individual shall be given a citation. Failure to comply after one warning shall be cause for citation whether or not the failure or subsequent failures are contemporaneous in time with the initial warning.

VI. Any person who violates this section shall be guilty of a violation and shall be charged a

minimum fine of \$100. In addition, the attorney general or the appropriate county attorney may bring an action for injunctive relief to prevent further violations of this section.

VII. If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

2 Effective Date. This act shall take effect 30 days after its passage.

2014-1833h

## AMENDED ANALYSIS

This bill provides certain parameters for access to any property regularly used by incorporated entities. The bill establishes a civil fine and authorizes the attorney general or county attorney to seek injunctive relief in certain circumstances.

Rep. Groen, Straf. 10  
May 13, 2014  
2014-1839h  
01/03

Floor Amendment to SB 319-FN

Amend the title of the bill by replacing it with the following:

AN ACT           relative to access to certain health care and agriculture-related facilities.

Amend the bill by replacing all after section 2 with the following:

3 New Subdivision; Access to Facilities Which Prepare Meat for Public Consumption. Amend RSA 427 by inserting after section 59 the following new subdivision:

Access to Facilities Which Prepare Meat for Public Consumption

427:60 Access to Facilities Which Prepare Meat for Public Consumption; Prohibited Acts; Enforcement; Civil Fine.

I. In this section a "facility which prepares meat for public consumption" means a meat broker and any other facility which butchers or prepares meat for sale or distribution to the public.

II. No person shall knowingly enter or remain on a public way or sidewalk adjacent to any facility which prepares meat for public consumption within a radius of 25 feet of any portion of an entrance, exit, or driveway of such facility. This section shall not apply to the following:

- (a) Persons entering or leaving such facility.
- (b) Employees or agents of such facility acting within the scope of their employment.
- (c) Law enforcement, ambulance, firefighting, construction, utilities, public works and other municipal agents acting within the scope of their employment.
- (d) Persons using the public sidewalk or street right-of-way adjacent to such facility solely for the purpose of reaching a destination other than such facility.

III.(a) Facilities which prepare meat for public consumption shall clearly demarcate the zone authorized in paragraph I and post such zone with signage containing the following language:

*Safety Zone*

*No Congregating, Patrolling, Picketing, or Demonstrating Between Signs*

*Pursuant to RSA 427:60*

(b) Prior to posting the signage authorized under subparagraph (a), a facility which prepares meat for public consumption shall consult with local law enforcement and those local authorities with responsibilities specific to the approval of locations and size of the signs to ensure compliance with local ordinances.

IV. The provisions of this section shall only be effective during the facility's business hours.

V. Prior to issuing a citation for a violation of this section, a police officer or any law enforcement or code enforcement officer shall issue one verbal warning to an individual. If the individual fails to comply after one warning, such individual shall be given a citation. Failure to comply after one warning shall be cause for citation whether or not the failure or subsequent failures are contemporaneous in time with the

initial warning.

VI. Any person who violates this section shall be guilty of a violation and shall be charged a minimum fine of \$100. In addition, the attorney general or the appropriate county attorney may bring an action for injunctive relief to prevent further violations of this section.

VII. If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

4 Effective Date. This act shall take effect 30 days after its passage.

2014-1839h

## AMENDED ANALYSIS

This bill provides certain parameters for access to reproductive health care facilities and facilities which prepare meat for public consumption. The bill establishes a civil fine and authorizes the attorney general or county attorney to seek injunctive relief in certain circumstances.

# Committee Minutes

**SENATE CALENDAR NOTICE  
JUDICIARY**

Senator Sharon Carson Chairman  
 Senator Bette Lasky V Chairman  
 Senator David Boutin  
 Senator Sam Cataldo  
 Senator Donna Soucy

|  |   |
|--|---|
| For Use by Senate Clerk's<br>Office ONLY |   |
| <input type="checkbox"/>                 | Bill Status                                   |
| <input type="checkbox"/>                 | Docket  |
| <input type="checkbox"/>                 | Calendar                                      |
| Proof: <input type="checkbox"/>          | Calendar <input type="checkbox"/> Bill Status |

**Date: January 22, 2014**

**HEARINGS**

**Tuesday**

**1/28/2014**

**JUDICIARY**

**SH 100**

**9:00 AM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

|          |          |   |
|----------|----------|---|
| 9:00 AM  | SB214    | relative to immunity from civil liability for sports officials. |
| 9:15 AM  | SB320-FN | relative to assault of a sports official.                       |
| 9:35 AM  | SB323-FN | relative to imprisonment in a county correctional facility.     |
| ✓9:55 AM | SB319-FN | relative to access to reproductive health care facilities.      |

**Sponsors:**

**SB214**

Sen. Peter Bragdon

Rep. Richard Hinch

**SB320-FN**

Sen. Sylvia Larsen

Sen. Lou D'Allesandro

Sen. Sharon Carson

Rep. Mary Jane Wallner

Rep. Shannon Chandley

**SB323-FN**

Sen. Sharon Carson

Sen. David Boutin

Rep. Gene Charron

Rep. Jordan Ulery

Rep. Laura Pantelakos

**SB319-FN**

Sen. Donna Soucy

Sen. Lou D'Allesandro

Sen. Bob Odell

Sen. Nancy Stiles

Sen. Jeb Bradley

Rep. Patrick Long

Rep. Mary Heath

Rep. Candace Bouchard



# SENATE JUDICIARY COMMITTEE

## Susan Duncan, Senior Legislative Aide

**SB 319-FN – establishing the crime of domestic violence.**

Hearing Date: January 28, 2014

Time Opened: 10:24 a.m.

Time Closed: 12:52 p.m.

**Members of the Committee Present:** Senators Carson, Lasky, Boutin, Soucy and Cataldo

**Members of the Committee Absent:** No one

**Bill Analysis:** This bill provides certain parameters for access to reproductive health care facilities. The bill establishes a civil fine and authorizes the attorney general or county attorney to seek injunctive relief in certain circumstances.

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**Sponsors:** Senators Soucy, D'Allesandro, Odell, Stiles, Bradley; Representatives Long, Health and Bouchard

**Who supports the bill:** Senator Soucy; Senator Stiles; Senator Fuller Clark; Senator Watters; Senator Bradley; Senator D'Allesandro; Representative Jan Schmidt; Mary Leadbeater of Hopkinton; Patricia Cass Smith of Hopkinton; Representative Timothy Horrigan; Representative Sylvia Gale; Sally Davis on behalf of the NH League of Women Voters; Representative Mary Heath; Jennifer Frizzell on behalf of Planned Parenthood of Northern New England; Beth Moore; Dalia Vidrenas on behalf of Concord Feminist Health Care; Jessica Marston, PPNNE; Joanne Morgan; Mayla (?) Chapman; Rosemary Rodriguez; Mo Baxley; Raye Ellen Douville; Sara Persechino, NARAL Pro-Choice NH; Representative Candace Bouchard; Barbara Maricelli; Laura Thibault

**Who opposes the bill:** Kenneth Arndt of Windham; Francis Hynes of Windham; Veronica Molloy; Representative Lenette Peterson; Ellen Kolb; Tara Hettrick; Susan Clifton; Representative Jane Cormier; Linda Gould; Joan Silvernail; Richard Silvernail; Kathleen Lauer-Rogo; Representative Regina Birdsell; Representative David Murotake; Father Christian Tutor; Rosemary Landry; Kurt Wuelper; Hannah Howard; Angela Zikewitz; Terry Bornum; Christine Suarez; Representative Pam Tucker; Michael Tierney; Elizabeth Brenden on behalf of NHPTL; Catherine Kelley; Jen Robidoux; Representative Glenna Cordelli; Representative Don LeBrun; Representative Leon H. Rideout; Jim Rock; Kathleen Hedstrom; Ann Marie Banfield; Carol Laliberte; Representative Kathleen Souza; Meredith Cook on behalf of the Roman Catholic Diocese of Manchester; James Hon

### **Summary of testimony presented in support:**

#### **Senator Soucy**

Explained that this bill is about public safety and to balance a frightening experience at a local health care facility. She explained that the bill would establish reasonable buffers that would afford public safety and protect free speech. She noted that currently the US Supreme Court is considering access in Massachusetts and noted that

establishing a corridor is not without precedence. We have a 10 foot buffer around polling locations and we prohibit picketing at funerals. The US Supreme Court has a 250 foot buffer zone. Senator Cataldo told the story of October 3, 1966, and what happened to him on his first day of work when the union workers went out on strike and he could not get to work. When he left work, he had four flat tires. He wanted to know if this would apply today. Senator Soucy responded that this legislation applies only to reproductive health care facilities.

**Senator Stiles**

Said that she is pleased to be here to urge committee members to support this. She said that the view is not through “pro life” or “pro choice” – but about public safety and protecting privacy. She said that both free speech and privacy are important rights. She said that the bill does not put a limitation on what people say but does provide access. She asked that the Committee please look at this as a safety issue and a balance of free speech and patient privacy.

**Representative Bouchard**

Appeared in support and told of patients from the community and across our state who come to the Feminist Health Center and require an escort. She was warned by the police regarding her safety. She said that the zone in this bill provides a right to protest and the safety of patients. A Citizens Petition that was filed locally sought to establish a 35 foot butter zone but they were urged to instead adopt a uniform State law. She noted that in some places a buffer zone was established only after an horrific incident.

**Jennifer Frizzell, PPNNE**

Testified in support on behalf of the largest provider of reproductive and sexual healthcare. She said that they support six sites, 3 of which offer surgical or medical abortions. She said that during the past two years the frequency of protests has increased so that on-site security is now needed. She said that they have had parking spaces blocked and verbal altercations. She said that some patients have been photographed and then posted on web sites. On two separate occasions, they have had forty-day protest marathons. She explained that they are concerned with public safety for all involved. She said that there is a Freedom of Access to Clinic Entrance Law – but that we have no corresponding state law. She said that in 2013, they had ten documented instances of concern and security cost \$45,000, which equals the cost of serving 300 women. She agreed that not all protesters use offensive behavior but that they did have 60 patient complaints in 2013. She said that they are asking for help in balancing everyone’s rights. Showing with a tape measure the exact measurement of 25 feet, she demonstrated how everyone could still hear her voice or be able to read a sign. She said that their patients access the clinics in multiple ways – some park on the sidewalk area and walk in and others use public transportation and walk in from Elm Street – and that all do not park in the parking lot. Senator Cataldo asked about his experience in 1966 and the establishment of buffer zones. Ms. Frizzell responded that we have established buffer zones in both polling places and at funerals. She said that these are for the Legislature to decide when it’s appropriate.

**Senator D’Allesandro**

Testified in support and said that he believes that it’s reasonable that NH residents should be able to access healthcare without harassment. He said that he has been down to the facility in Manchester and advocated for Planned Parenthood (PPNNE) to move to a more central area for easier access. Now it’s on a bus route so that people can easily get there as the people who need these services are poor. He said that PPNNE provides access to care to many patients who otherwise would have none. The entrance to the facility is via a narrow street with narrow sidewalks – but this puts the patients and protesters in close proximity whereby many feel threatened. He said that the health services provided here are vital and absolutely necessary. Senator Cataldo asked about his experience in 1966. Senator D’Allesandro responded that they are trying to promote civility and cooperation.

**Sara Perechino, NARAL Pro-Choice NH**

Appeared in support and submitted written testimony. She said that we cannot afford to have harassment and intimidation of patients accessing facilities. She said that there have been more than 6,400 acts of violence. Senator Cataldo asked where this number comes from. Ms. Perechino responded from NARAL-NH. She said that regardless of one's position on abortion, this is important public safety.

**Raye Ellen Douville**

Testified in support as a greeter and that she's not here because abortion is right or wrong but that as a greeter, she has seen a number of incidents of concern. She said the emotions are very high and that there is often a fear of confrontation from the protesters. She said that she has seen protesters stand in the police officers' faces and that a buffer zone would help diffuse situations, protect the children who are often present, the protesters and the patients. She said that this is a reasonable and narrow attempt to protect everyone and noted that most people do cooperate.

**Barbara Maricelli**

Said that she is here today because it is important for the Committee to know of her experience. She said that she was confident in her decision but she could not find a parking spot. What she did not expect was the board of individuals with lots of pictures. She said that she was shaken and frightened and after the procedure she just wanted to go home. She found fliers on her windshield that said "we know what you have done and we know your license plate number." One flier said: "Do you want to see what you have done?" She said that she never thought that she would share with others such an intimate experience.

**Summary of testimony presented in opposition:**

**Representative Souza**

Shared a copy of a church bulletin and said that the establishment of a buffer zone is misguided at best. Incidents at centers were lone gunmen. She said that she regularly goes to the Penacook Street facility in Manchester on Thursdays where 25 women to go take the lives of their babies. She said that the violence they have heard about does not exist. She said her car window was put out with a pellet gun. She said that the people who have something to fear are those who come to pray. She said that having a zone would prevent them from reaching out to the women. She said that they ask them if they will come and talk to them and tell them that it is not too late to save your life and your baby's life. She said they have handouts they give them if they can reach them and tell them that they have a pregnancy center just up the street. She said that this bill is extremely misguided. Senator Cataldo asked if she believes that this would lead to other laws being established. Representative Souza responded "yes," that she does believe it will and that she believes that the US Supreme Court will rule on their side. Senator Lasky asked why the 25 feet is a problem as it does not limit their free speech. Representative Souza responded that there would be no way to reach the women, especially when they drive straight into the lot or are delivered there by others. Senator Lasky asked if they use signs. Representative Souza said that the signs could not be read at that distance. Senator Cataldo asked if this is very similar to going to vote and being handed information. Representative Souza responded "yes." Senator Soucy, saying that there are a number of different reasons why women could be accessing the facility and asked how would they know their purpose. Representative Souza responded that the women tell them. She said also on Thursdays, they are closed for other services and they only want to do the abortions on this day. She said that they do not want others there because it's a traumatic day.

**Representative Cormier**

Said that it is unconstitutional to create a buffer zone and seeks to stifle free speech. She said that NH is one of only 3 states that offers no information to the Center

for Disease Control on abortions. She said that perhaps these facilities are unsafe for the women. She said that sidewalks are a public space and that when the US Supreme Court discussed the buffer law, they said that the law effectively singles out one subject and favors one side of the debate. She said that in NH, we have not heard of any loud, raucous or disruptive testimony and that the Police Chief in Manchester has not even taken a position on this bill. She said that the people at the NH clinics are offering an abortion alternative and trying to have a conversation in order to offer alternatives. She said that she supports our freedom of speech rights. Senator Soucy asked if she is aware that the US Supreme Court case has not yet been decided. Representative Cormier said that she realizes that the decision has not yet been issued – and that this is no slam dunk.

#### **Elizabeth Bruder, NH Right to Life**

She said that while it purports to be for all people, it is discriminatory against pro life individuals. She said that they brave harsh weather to offer compassionate care to women. She said that this is anti-American and anti-free speech and asked the Committee members to seriously weigh the consequences and that they safe-guard their free speech. Senator Cataldo, referring to his incident in 1966, said that he let them know and that no one should face these situations. Ms. Bruder responded that the violence occurs within the doors . . . and that Planned Parenthood's income goes to kill these children and that they are a blight on these communities.

#### **Meredith Cook**

Appeared in opposition on behalf of the Diocese of Manchester. She said that the legislation would violate the Constitution. She said that they would not be able to have a conversation with the women inside of a 25 foot buffer zone. She urged the Committee to kill the bill and not suppress their free speech. Senator Soucy asked if the church had taken a position on the legislation to protect the zone at funerals. Ms. Cook responded that she will research this. Senator Lasky asked if it isn't a patient's right to feel secure wherever they seek healthcare. Ms. Cook responded that the church does not see abortion as healthcare. She said that the sidewalk counselors are there to offer the women another option.

#### **Kurt Wuelper, President of NH Right to Life**

He said that there is no disagreement with the statement of providing access to healthcare – but in Manchester, there is no healthcare on Thursday. He said that abortion has nothing to do with actual health of a woman . . . it's the killing of a baby. He said that they do not do healthcare on Thursdays and that they do not want anyone else there. He said that a 25 foot buffer, they cannot talk with another person – they can hear and see you but cannot save a life and a mother. He said that the Forty Days for Life was not a protest but a prayer meeting that continued for 40 days. Senator Cataldo, commenting that he has known the man for 25 years now, and the "intimidation" part . . . and he was a man. He told of how he feels when he sees a bunch of people, even at the polls, he asked if this would just lead to other legislation. Mr. Wuelper responded that it's not calling for 25 feet away from the property, it's 25 feet away from the doors. He said that it is within the public interest to keep peace, but that there is no such concern within the abortion clinic.

#### **Hannah Howard**

Appeared in opposition and said that this is about First Amendment rights – a 25 foot buffer zone does not accommodate free speech. She spoke of the balancing being sought but that you either have free speech or you don't and that public property is public. She told of the need to have a permit if 3 or more people were present. She said that this might cause a reversal of what is being sought. She said that the buffer in Massachusetts is 35 feet and that Portland, Maine, has 39 feet. She said that with this people will be pushed back and will have no place to stand. She said that there is no need to pass this.

### **Michael Tierney**

Asked why we would need this when we have other laws on the books and spoke of 44:2 – free passage. He said that there is no need for a separate statute for abortion clinics and that this is clearly unconstitutional. He said that Massachusetts and Vermont have encountered hundreds of thousands of dollars in legal fees as a result of defending their laws. He said that the reproductive health clinics provide abortions and that the majority are now by RU486 – non-medical abortions not just surgical abortions. He said that the RU 486 is a two pill procedure – one pill is taken at the clinic. Regarding the buffer zone, he said that there would need to be signs clarifying when it's in effect and not. He said that the distances would encourage shouting and using bull horns.

### **Katherine Kelly of Auburn**

Said that she is one of those people on the sidewalk. She said that everyone fought having Planned Parenthood going to this location and that they were not welcome there. She said that some folks drive too fast on that street. She said that some folks painted a yellow line and that they are fine with this and that they stay off the line. She said that they have never had anyone being angry but that they did have someone inside the building who was angry. She said that they never hurt anyone and if there was any danger, folks would not bring their children. Senator Cataldo asked if there are police present. Ms. Kelly responded that they are only present on Thursdays.

### **Jennifer Robidoux**

Said that she is also a sidewalk counselor and a local leader of the Forty Days for Life campaign. She said that they do prayer and community outreach and that this is prayerful, respectful and non-violent. She said that she walks up and down the sidewalk and prays. She said that she is a sidewalk counselor, she goes there to invite them to a quiet conversation. She said that it is important to speak with them in order to change their hearts and minds.

### **Jim Rock**

Said that folks keep bringing up the issue of the buffer zone around voting booths – but that in that in this example, everyone has to respect that – both Dems and Republicans. He said that this zone is one-sided – and against one particular party that is being restrained. He said that abortion is a harsh procedure but we are being careful with language: they talk about being pro choice, not pro abortion; they talk about access to a clinic, not access to an abortion clinic. He said that the bill has a lot of problems and that the Committee should please oppose it.

### **Kenneth Arndt of Windham (retired college professor)**

Testified that he had lectured in China on both philosophy and science and how the students there are very interested in our freedom of speech. He said that Article 22 says that it cannot be violated or abridged and that the tide of public opinion is turning against abortion. He said that life begins at conception and that Planned Parenthood is one of the largest, if not the largest, abortion providers. He said that this is a cash business. He said that he does not believe the testimony of the last woman who spoke and that he does not believe what she recounted occurred recently. He said that the girls who go into the clinics are making a difficult choice and that they are there to offer them a choice – that they do not see intimidation. He said that this is a public platform for free speech and that this would move us in the wrong direction. He said that the bill is flawed and asked the Committee to vote against it.

### **Francis Hynes**

Testified on behalf of [www.prayforlifecenter.org](http://www.prayforlifecenter.org). He said that it is difficult to see signs from 25 feet away. He said that every Thursday for the past year he has been at the clinic in Manchester. He said that he does not counsel women . . . he just prays. He said that the only time the access was obstructed was when there was a snow storm and that they got their shovels out and cleared the sidewalk. He said he has seen no one arrested for obstructing access. He said that their rights to pray or speak should not be

taken away because Planned Parenthood does not like the content of that speech. He said that the only violence that occurs there is occurring inside the building. He suggested that the Committee members ask the Manchester Police Chief how many people have been arrested there. He said that Planned Parenthood only wants the buffer zone because of money – that if the women don't get abortions, then Planned Parenthood does not get their money – but loss of business is no reason to deny people their freedom of speech.

**Veronica Molloy**

Proposed that the facility has been outgrown – that it's congested and there is inadequate parking. She also talked about the traffic coming and going on the congested street. She indicated that Planned Parenthood gets 93.8% of their business through pregnancy services, according to the Susan B. Anthony website. She said that this is not a problem that needs to be address.

**Ellen Kolb on behalf of Cornerstone**

Said that she, too, has been involved in the Forty Days for Life activities and that in order to participate, they must sign that they are committed to pray. She said that their concern is that this legislation would criminalize a pro-life activity.

**Susan Clifton**

Said that she serves as a sidewalk counselor and that the legislation would hinder her ability to speak with these women. She apologized to the young woman who experienced the unchristian behavior, but said that this bill hinders their ability to engage with these people. She said that this is a great civil rights issue for them. Senator Lasky asked if they are just silently praying. Ms. Clifton responded "yes" – that they just offer another option and do not interfere or obstruct anyone.

**Linda Gould of Bedford**

Also testified in opposition and said that this is an issue of freedom of speech and freedom of religion for them.

**Christine Suarez**

Testified in opposition and said that if you look at the bill, it makes a lot of assumptions and uses a lot of nebulous terms. She said that it claims that the demonstrations have caused patients and employees to feel fear and intimidation – but she said that there have been no code infractions or indictments. She said that whether one is pro choice or anti-choice, this singles out one group of people. She said that there are actions that are already prohibited – that they cannot picket in an aggressive manner. She said that people are entitled to their feelings. With the young woman who felt intimidated, she said that she should have called the police because that behavior is already in the code. They are not allowed to interfere with passage and must withdraw if someone asks them to. She asked the Committee members to please look at the actual numbers. She also added that some in the pro-Life community also feel abused and indicated that in the summertime, the sprinklers will get turned on to keep them back or they will call the police. She said that everyone has a right to their feelings and beliefs but that this appears to be "if you agree with us, then you can speak, but if you don't agree with us, you cannot." She said that these are already contained within the local codes and noted that in Concord, they are limited to ten feet in front and ten feet on the side. She said that there is no evidence to back up the wording in this bill.

**Fiscal Note:** See Attached Fiscal Note

**Future Action:** The Committee took the bill under advisement.

sfd

Date hearing report completed: February 1, 2014  
[file: SB 319-FN report]

# Speakers

## Senate Judiciary Committee: Sign-In Sheet

Date            January 28, 2014    Time            9:55 a.m.

Public Hearing on **SB 319-FN**-- relative to access to reproductive health care facilities.

| Name                        | Representing   | Support                             | Oppose                              | Speaking? | Yes                                 | No                                  |                                     |
|-----------------------------|----------------|-------------------------------------|-------------------------------------|-----------|-------------------------------------|-------------------------------------|-------------------------------------|
| Senator Nancy Stier         | Dist. #29      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Kenneth Arndt               | Windsor        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Francis Hynes               | Windsor        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Sen. Jonna Suey             | SD #18         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Senator Martha Fuller Clark |                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Senators Watters            | Dist 4         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| VERONICA MOLLOY             |                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Senator Bradley             | Dist. 3        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Rep. Duane E. Gault         |                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Rep. J. Schmidt             |                | <input type="checkbox"/>            | <input type="checkbox"/>            | Speaking? | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Rep. Lenette Peterson       |                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| MARY LEADBEATER             | HOPKINSON      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Patricia Cass Smith         | Hopkinton self | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Ellen Kolb                  |                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Tara Hettick                |                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Susan Clifton               |                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Rep. Timothy Horgan         | Stratford      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Rep. Jane Cormier           |                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Linda Gould                 |                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |



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Public Hearing on **SB 319-FN**-- relative to access to reproductive health care facilities.

| Name                    | Representing                   | Support                             | Oppose                              | Speaking?: | Yes                                 | No                                  |
|-------------------------|--------------------------------|-------------------------------------|-------------------------------------|------------|-------------------------------------|-------------------------------------|
| Joan Silvernail         | Self                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| RICHARD SILVERNAIL      | Self                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| CHARLENE TAKEGIAN       |                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Kathleen Lauer-Rago     |                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Regina Bristol Rep Rock |                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Stally Davis            | League of Women Voters<br>N.H. | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| REP DAVID MURATAKE      | Hills 32                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| FR. CHRISTINE TUTOR     |                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking?: | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Rosemary Landrey        |                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                         |                                | <input type="checkbox"/>            | <input type="checkbox"/>            | Speaking?: | <input type="checkbox"/>            | <input type="checkbox"/>            |
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|                         |                                | <input type="checkbox"/>            | <input type="checkbox"/>            | Speaking?: | <input type="checkbox"/>            | <input type="checkbox"/>            |

Did not speak

## Senate Judiciary Committee: Sign-In Sheet

Date            January 28, 2014    Time            9:55 a.m.

Public Hearing on **SB 319-FN--** relative to access to reproductive health care facilities.

| Name               | Representing              | Support                             | Oppose                              | Speaking?: | Yes                                 | No                                  |
|--------------------|---------------------------|-------------------------------------|-------------------------------------|------------|-------------------------------------|-------------------------------------|
| Mary Heath         | Co-Sponsor                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Jennifer Frizzell  | Planned Parenthood        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking?: | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Debb Moore         | Social Worker             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Dalia Vidunna      | Creed Feminist Health Ctr | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Jessia Martin      | PPNNE                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Seanne Maguire     | myself                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Reyle Chapman      | myself                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Jeremy Kodrugug    | Myself                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| MO WAXLEY          |                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| KURT WUELPER       |                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking?: | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Hannah Howard      | Myself                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking?: | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Angela Zikowitz    | Myself                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| TERRY BARNUM       |                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking?: | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Raye Ellen Daulton |                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking?: | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Sara Persechino    | NARAL Pro Choice NA       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking?: | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Christine Suarez   |                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking?: | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Sen Jau            | Dist # 26                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking?: | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Rep Pantuzek       |                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking?: | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                    |                           | <input type="checkbox"/>            | <input type="checkbox"/>            | Speaking?: | <input type="checkbox"/>            | <input type="checkbox"/>            |

*passed in written testimony*

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## Senate Judiciary Committee: Sign-In Sheet

Date            January 28, 2014    Time            9:55 a.m.

Public Hearing on **SB 319-FN**-- relative to access to reproductive health care facilities.

| Name                    | Representing                            | Support                             | Oppose                              | Speaking? | Yes                                 | No                                  |
|-------------------------|---|-------------------------------------|-------------------------------------|-----------|-------------------------------------|-------------------------------------|
| Michael Tierney         | self                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Elizabeth Breuder       | NHPTJ                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Catherine Kelley        |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Jen Robidoux            |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Sen. D'Allesandro       |   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Rep. Glenn Cordelli     |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Rep. Don LeBrun         |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Sen. Nancy Stiles       |   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Rep. Constance Bouchard |   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Rep. Leon H. Rivest     |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Jim Rock                |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Kathleen Hedstrom       |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Ann Marie Bantfield     |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Carol LaLiberte         |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Rep. Kathleen Souza     |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Meredith Cook           | Roman Catholic<br>Diocese of Manchester | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| James Hon               |   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Barbara Marzelli        |   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Laura Thibault          |   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Speaking? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

# Testimony

**"My name is Rebecca Herman. I'm a resident of Bradford, and I'm in favor of Senate Bill 319. I was verbally attacked by a protester in Concord who would not get out of my face. A safety buffer zone would have prevented her from getting in my face. Thank you for your time and consideration."**



Contact: Ellen Kolb, Legislative Services Director \* 603-321-2703 \* [ekolb@nhcornerstone.org](mailto:ekolb@nhcornerstone.org)

To: Senate Judiciary Committee

Date: 1/28/14

**Cornerstone opposes Senate Bill 319**, regarding access to "reproductive health care facilities."

We have recently heard from New Hampshire residents who want to know what this bill means for people who pray outside abortion facilities. All we can do is refer them to the text of SB 319, which seems to make prayer within 25 feet of an abortion facility illegal. There is no exemption in the law for people who bear silent witness against abortion without interacting with women entering the abortion facility.

We are aware of the *McCullen v. Coakley* case from Massachusetts, now pending before the Supreme Court. We know the First Circuit has let Massachusetts's 35-foot "buffer zone" stand. As we await the Supreme Court's ruling, we ask that you not be in a hurry to silence your New Hampshire neighbors.

The bill seeks to regulate the behavior anyone expressing opposition to abortion within 25 feet of where abortions take place, no matter how peaceful and nonconfrontational that opposition may be. That's a very wide net to cast in an attempt to protect access to abortion. This bill draws no distinction between a person who physically accosts a patient seeking abortion and a person who prays nearby without making contact with a patient.

Violence towards people and property is already illegal, and rightly so. There is already a federal "clinic access" law on the books, cited in the text of the bill. Trespassing and disorderly conduct are already against the law. Cities may impose permit requirements for assembly. Yet the sponsors of SB 319 would have us believe that the bill is necessary to reduce the chance of "disputes and potentially violent confrontations."

We fail to see how a new law banning silent prayer will reduce anything aside from First Amendment rights. SB 319 goes well beyond criminalizing interaction between demonstrators and patients, which in itself raises free-speech questions. It would criminalize a pro-life witnesses's mere presence in a specified area for no reason other than that an observer might feel "fear and intimidation" at the sight of such a person. That's hardly a balance of rights, and it's reason enough to reject SB 319.

***Cornerstone Action is the legislative and issue advocacy arm of Cornerstone Policy Research.  
Cornerstone Policy Research is a New Hampshire non-partisan, non-profit pro-family  
education and research organization.***

Good Morning! My name is Jennifer Robidoux. I have taken a day off from work to speak to you because this topic is very important to me. I am here to ask you to vote against Senate Bill 319.

I am a sidewalk councilor and a local leader of the 40 Days for Life campaign. For those of you who are unfamiliar with 40 Days for Life, it is an international peaceful and prayerful campaign aimed at bringing an end to abortion through prayer and community outreach. Participants are asked to sign a Statement of Peace declaring that they will be respectful, prayerful and nonviolent.

All I do when I am involved in 40 Days for Life is walk up and down the public sidewalk in front of the Planned Parenthood in Manchester and pray. Occasionally I will engage in friendly conversation with people as they walk into, out of or past the abortion clinic. The other person usually begins this dialogue and I make it clear that I am there to pray.

As a sidewalk councilor my job is to inform women of their other options. Most women go into a clinic thinking that abortion is there ONLY option. They want to return to their life of "yesterday." Some feel pressured by their spouse, boyfriend or family member. Choosing abortion is a hard decision and I want women to make an informed choice and know all of their options. When I council women, I invite them into a conversation. I don't yell at them. I don't judge them. I simply want to speak with them. Just like I am speaking with you now. I provide them with resources about what abortion is, the development of the baby, and other alternatives. If they don't want to talk with me I simply inform them that I am here and will be praying for them.

At the Manchester Planned Parenthood a fence surrounds the parking lot and the entrance to the clinic is inside that fence. If I want to speak with someone walking into that clinic I need to raise my voice to be heard. It may appear that I am shouting but that's only because I am not allowed any closer.

A 25-foot zone around the clinic would make it impossible to speak with the women, to change hearts and minds, and to save the life of the unborn. Women deserve to have options. And I have the first amendment right to speech and to peacefully assemble in public places.

Let me conclude by paraphrasing Shawn Carney, campaign director of 40 Days for Life.

"[My] presence on the sidewalks is powerful in two critical ways – [I am] the last sign of hope for the mother and baby when they arrive, but also the first sign of mercy to the women as they leave."

Hope that there are other options and mercy that there is forgiveness and healing.

Thank you for your time this morning. And please vote against Senate Bill 319.

Jennifer Robidoux  
18 Washington Rd.  
Windham, NH 03087

Thank you Madame Chair and the Judiciary Committee members for this opportunity. My name is raye ellen douville, a resident of Bedford, and I am here to speak in favour of Senate Bill 319.

From November 2011 to June 2013, I volunteered as a greeter at the Planned Parenthood Manchester Health Centre.

During that time, I observed chronic safety issues related to the confluence of patients, protesters, and moving vehicles.

Patients have a right to access health care; protesters have a right to their views, and I respect our first amendment rights. We're here seeking the fine line between what is fair for all, with emphasis on optimum safety.

First, cars enter and leave the parking lot all day. Protesters often stand in the drive path, creating a safety hazard. On many occasions, children are with them. Further complicating the problem, parked cars crowd either side of the entrance, impeding the ability of a driver to see if there are any vehicles approaching.

More than once a day, I would ask protesters to stay out of the driveway path. Most honoured my request, but a few resisted. I began directing cars out of the lot by positioning myself mid-road. Often, protesters are not moving; they stand in or next to the drive entrance.

Second, the scene is emotionally charged. I had a duty to escort patients safely into the health centre. I shielded them with an umbrella. A few patients didn't care about the protests. Most remained silent. Sometimes a person accompanying the patient or the patient reacted. I saw many close encounter shouting matches, incidents where I feared a physical confrontation might occur. I've also seen protesters stand and yell at a police officer giving them instructions, inches from the officer's face. I've seen a protester walk along the fence on Rite-Aid property, yelling at two people they knew were in the vehicle directly on the other side.

A 25-foot buffer zone would reduce hazards by removing adults and children alike from the direct path of vehicles. It would reduce the likelihood of physical altercations.

Finally, a comment on the coming Supreme Court ruling. Please keep in mind that Regulations Six and Seven of the Court's own rules creates what is in effect a buffer zone on its and adjacent property.

Images illustrating the hazards mentioned in my testimony:





People standing in driveway entrance, with children, during business hours.

Attribution: picture from <http://prayforlifecenter.org/> Not intended for use other than with this testimony.



Child in drive without parent nearby.

Attribution: picture from <http://prayforlifecenter.org/> Not intended for use other than with this testimony.



Children sitting by drive. One child is actually a bit into the drive. This is during business hours.

Attribution: picture from <http://prayforlifecenter.org/> Not intended for use other than with this testimony.



Vehicle parked against drive.

**Chroniak, Deborah**

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**From:** Lynn Mark [lynnmark@comcast.net]  
**Sent:** Monday, January 27, 2014 6:05 PM  
**To:** Lasky, Bette; Carson, Sharon; Soucy, Donna; Cataldo, Sam; Boutin, David  
**Subject:** Please oppose SB 319

Dear members of the Senate Judiciary Committee,

I am writing tonight to urge you to oppose SB 319. I can testify, as just one example, that in my time spent praying quietly in front of Planned Parenthood in Manchester (just one reproductive health clinic in our area), the other volunteers there have been very peaceable, offering information and counseling to people entering the clinic on the day when abortions are done. There has been no slander of any kind, and they are simply there to offer brochures and counseling so that young men and women are aware that there is an alternative to aborting their unborn child. By voting this bill in, our rights to pray and speak in public places will be taken away, and surely this is something our forefathers would never have wanted. If I cannot be in attendance tomorrow, I will certainly be praying for everyone present that you come to the best decision, that is in the best interest of clients at reproductive health clinics and more importantly, the unborn children they may be carrying.

Respectfully,

Lynn Mark, Goffstown  
Mother of eight children; two lost through miscarriage, three biological and three adopted

## Chroniak, Deborah

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**From:** Michelle [mallain.stemarie@gmail.com]  
**Sent:** Monday, January 27, 2014 6:43 PM  
**To:** Carson, Sharon; Cataldo, Sam; Lasky, Bette; Boutin, David; Soucy, Donna  
**Subject:** SB 319

Dear Judiciary Committee members:

I am writing to you as a registered voter from Manchester, NH to voice my opposition to SB 319. I believe that this bill is a gross violation of my freedom to pray, speak and demonstrate on PUBLIC property. As you may be aware the Massachusetts buffer zone laws are currently before the US Supreme court. I am unsure why the State of NH would want to go down this same path.

Please listen to those of us that want to preserve our rights.

Peace,  
Michelle

--  
Michelle Allain  
203 Maplehurst Ave.  
Manchester, NH 03104

**Chroniak, Deborah**

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**From:** Barbara Widger [b.uuidger@gmail.com]  
**Sent:** Monday, January 27, 2014 6:50 PM  
**To:** Boutin, David; Carson, Sharon; Lasky, Bette; Cataldo, Sam; Soucy, Donna  
**Subject:** I support S.B. 319!

I live near the Manchester Planned Parenthood clinic. I support this protection for those working at or visiting clinics. Unfortunately I cannot miss work to attend the hearing.

Having my relative nearly die in childbirth last week has only strengthened my view that women must be the ones who decide if they will carry a pregnancy to term!!

Barbara W  
UU for 'double-U' & Unitarian Universalist

----- Forwarded message -----

If you have ever gone to a reproductive health care clinic in New Hampshire, you probably understand how the act of simply trying to access legal health care services can be unpleasant and even dangerous.

On Tuesday, January 28, a state senate committee will hear testimony on S.B. 319. This Patient Safety Zone bill would ensure the privacy, dignity, and safety of patients, health-care professionals, and the public in communities where facilities that provide abortion are located.

While not all protestors create an environment of intimidation and obstruction, the disruptive conduct of some has led to more than five-dozen patient complaints logged across the state in the past year. S.B. 319 strikes the balance between protecting peaceful protestors' free speech and protecting the safety of women and providers and access to reproductive-health services, free from harassment.

**Chroniak, Deborah**

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**From:** amypratte@comcast.net

**Sent:** Monday, January 27, 2014 7:52 PM

**To:** Soucy, Donna; Lasky, Bette; Carson, Sharon; Cataldo, Sam; Boutin, David

**Subject:** SB 319

We are writing to express our opposition to SB 319. We believe that this bill is in direct violation of our freedom to pray, speak and/or demonstrate on *public* property. We value our freedoms and don't believe there is just cause for this SB.

In addition, you should consider the practicality of enacting such a law that it is likely to be challenged in the courts at a cost to New Hampshire taxpayers, especially in light of the current case before the U.S. Supreme Court challenging the Massachusetts buffer zone law.

Respectfully,  
Steven & Amy Pratte  
Bedford, NH

**Chroniak, Deborah**

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**From:** Robert Gilbert [b\_gilbertnh@yahoo.com]

**Sent:** Monday, January 27, 2014 8:44 PM

**To:** Carson, Sharon; Lasky, Bette; Soucy, Donna; Cataldo, Sam; Boutin, David

**Subject:** HB 319

Dear Representatives,

I urge you to vote against this bill so that I and many others can pray at planned parenthood in Manchester. They do surgical abortions on Thursdays and our sidewalk counselors just ask them if they want help and to please reconsider their abortion. We move out of the driveway quickly when a vehicle enters or leaves. This center does about 25 abortions on this day. They have 1 guard from a security firm and recently have hired a Manchester policeman. Not sure why because there has not been any trouble at the facility.

Sincerely,  
Robert Gilbert  
47 Back River Rd  
Merrimack NH 03054

1/28/2014

**Chroniak, Deborah**

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**From:** barnovsky@comcast.net

**Sent:** Monday, January 27, 2014 9:58 PM

**To:** Carson, Sharon; Lasky, Bette; Soucy, Donna; Cataldo, Sam; Boutin, David

**Subject:** Comments on Proposed SB 319

Senator Carson, Senator Lasky, Senator Soucy, Senator Casac, and Senator Boutin ...

I received word that the NH Senate Judiciary Committee will consider SB 319 Tuesday morning, which would establish a 25 foot buffer zone around abortion clinics. I am writing to ask you to recommend this bill be stopped in its tracks. The women and girls going into these facilities are about to make one of the most important decisions of their lives -- to keep or to kill their unborn baby. We owe it to them and their unborn children to give them all the facts, but how can this be done effectively when they cannot be approached?

The U.S. Constitution grants to right to assemble peacefully. SB 319 trumps that, but only one way. Persons who favor abortion would still be allowed within 25 feet of businesses and churches that oppose abortion. Laws prohibit treating Caucasians and African-Americans differently, so why should persons who oppose the taking of innocent life be treated differently than those in favor of taking it?

While you are considering this bill on Tuesday, please think of this. If you were faced with a back operation that could leave you paralyzed, if performed improperly, wouldn't you want all the facts before an incision is made, even up to the last minute? Each pregnant mother, child, and the child's father deserves the same courtesy.

May God guide you in your voting.

Regards,

Ronald Barnovsky

Nashua, NH



## Chroniak, Deborah

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**From:** roy braley [roydiannejayden@hotmail.com]  
**Sent:** Monday, January 27, 2014 9:59 PM  
**To:** Carson, Sharon; Lasky, Bette; Soucy, Donna; Cataldo, Sam; Boutin, David  
**Subject:** PLEASE OPPOSE SB 319  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To the NH Senate Judiciary Committee: Regarding the SB 319 bill that that is up for vote to are pleading with you to oppose this bill. This bill is a gross violation of our freedom to pr or demonstrate on PUBLIC PROPERTY.

We are standing up in unity to protect the ones that have no voice. We do not approach ; in to or out of the abortion facilities, all we do is peacefully pray for the babies and for the this bill passes what will be next, will we not be able to stand on the sidewalks to support candidates.

Thank you for your service to all people of State of New Hampshire

God Bless you  
Roy and Dianne Braley  
Brentwood, NH

Sent from Windows Mail

## Chroniak, Deborah

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**From:** Charlotte Antal [charlottetk1@hotmail.com]  
**Sent:** Tuesday, January 28, 2014 3:15 AM  
**To:** Carson, Sharon; Lasky, Bette; Soucy, Donna; Cataldo, Sam; Boutin, David  
**Subject:** Please OPPOSE SB 319 - first hand testimony from a sidewalk volunteer

Dear Senate Judiciary Committee,

I am writing to encourage you to OPPOSE SB 319. I have personally participated in the so-called "protesting" outside of the clinics in Concord and Manchester and I can testify that they are *not protests at all*. I am very sorry I cannot be there to testify in person today.

We sidewalk volunteers are there to offer women a sign that they are not alone – that we care for THEM *and* their unborn children, even when *everyone else they know has failed to support them*. We stand ready to refer them to crisis pregnancy centers that can help them find housing, financial assistance, counseling, adoption agencies...we even throw them showers when they carry their babies to term...all the baby items are donated by various selfless "lifers" and a network of parishes. We try to help the women / their families after they have an abortion to find counseling that can help them to deal with their grief. We even offer to help the clinicians find new jobs.

I was one of the leaders for the 40 Days for Life campaign in Manchester last fall. (This is an *interfaith, international* effort to reach out to pregnant women in crisis through prayer and community support. Each participant takes a "pledge of peace" before the campaign begins. If you don't know about it, I recommend reading Abby Johnson's book "Unplanned" which is a first hand account of how 40 Days helped her to see the pain of her own abortions and the work she'd been doing for Planned Parenthood just by telling her daily that they were standing outside and praying for her! It's a page turner!) As just one example of how threatening we are NOT...we walked along the sidewalk after clinic hours for the midpoint candlelight vigil; we prayed, sang songs, and then planned to go to the Pray for Life Center for some light refreshment and fellowship. The security guard that was there (as I understand it, this was the first time a guard had ever been there after hours) actually came up to us and said... "If this is all you guys are gonna do, you're making my job easy." He actually laughed and joked with one of our members. We asked him to join us at the center when we were done, but he declined.

If you want to see the truth, please join us on the sidewalk to see and judge for yourselves the way the sidewalk counselors and prayer witnesses behave. There is no harassment, no blockade of doors or driveways, no recording of names / pictures taken of patients (pictures are sometimes taken, but only of those who are there to pray outside the property – to show people that what we do is peaceful and prayerful). If the allegations of harassment were true, there would be a long list of police interventions. I challenge you to find any substantial complaints to police departments.

The bottom line is that sidewalk counselors are being asked to get off the sidewalk for one reason and one reason only...they are *sometimes successful* in getting women to choose life for their children (and themselves!) and they are *witnesses*. They are offering Planned Parenthood's "customers" BETTER options than abortion...options that do not result in death / life long sorrow / complications. Planned Parenthood does not like us there because every time they botch an abortion and have to wheel a

woman out to her car instead of having her walk out on her own two feet...*we see it*. We stand witness when the boyfriends / mothers / fathers of the women getting the abortions are *pulled / pushed* into the facility. We know how young the *youngest* moms are. We are the only ones who know the truth because we are the only ones who are there for those women...the last line of defense they have when all their other safety nets fail.

If you can't bring yourselves to come see what we do first hand, then please look at this bill as a giant threat to the First Amendment to the US Constitution which clearly "prohibits the making of any law...interfering with the right to peaceably assemble...". I realize that a handful of other states are choosing to flout the timeless laws of our forefathers, but that doesn't mean that the great state of NH has to follow along in their goose-stepping parade. NH has always distinguished itself as being a state OF and FOR the self-governed – *we the people* live free or die! If pro-life folk can't stand on a public sidewalk...who else will be denied the right to assemble? It sets a nasty precedent...and worse...it keeps us from saving a lot of lives – of moms and their babies!

Finally, ask yourself – why are Planned Parenthood and affiliates not content with their multi-million dollar industry? Why is surgically dismembering *1.3 million American babies annually* – roughly the equivalent to the entire population of NH to line their pockets *not enough*??? (This does not count unreported abortions from the few states like NH not required to keep track, the millions of chemical abortions, or the hundreds of moms who die during or after these various "safe" abortion procedures). Isn't it enough that they can: do anything they want to any NH woman at any stage of pregnancy to end the life of her baby, offer her no information before the procedure on the development of her baby or risks of the procedure, offer her no promises of after-abortion counseling, offer the state no data on their clients' well-being, and have no inspections of their facilities or practices by anyone other than themselves, even when those practices show blatant disregard for FDA guidelines? What *will* be *enough* for them? If we were truly concerned about "public safety," we wouldn't have abortion clinics!

We need people who will provide REAL alternatives to abortion. I trust the many grandmothers, mothers, fathers, and Church volunteers I have come to know out there on the sidewalk, who *freely* extend themselves in prayer and friendship, no matter the weather or the time it takes them from their own families, standing in vibrantly living testimony to the grief of our nation, a whole lot more with the care of these vulnerable women and children than anyone who stands to profit from the lies you will no doubt hear from the clinic owners about "public safety" today!

Thank you for your time and please let me know how you vote today.

Charlotte Antal  
Bradford, NH

Code Administration  
Health Services Division  
37 Green Street  
Concord NH 03301



PERMIT NO. \_\_\_\_\_  
**POLICE DEPARTMENT USE ONLY**  
# Officers Required: \_\_\_\_\_  
Restrictions: \_\_\_\_\_  
\_\_\_\_\_  
Approved: \_\_\_\_\_  
Concord Police Dept.

LICENSE FEE: \$ \_\_\_\_\_

**This application must be submitted thirty (30) days prior to proposed event to allow for the processing of the application. Please make check payable to: CITY OF CONCORD**

**APPLICATION FOR MARCH / DEMONSTRATION / PICKET PERMIT**

Organization Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Person in charge of event \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Proposed date(s): From: \_\_\_\_\_ To: \_\_\_\_\_

Proposed time(s): From: \_\_\_\_\_ To: \_\_\_\_\_

Number of persons expected to participate: \_\_\_\_\_

Location/Route\* where event is to be held: \_\_\_\_\_

Is event being held on the City Plaza – front of "Arch"?  Yes  No      Is electricity needed?  Yes  No

If "yes", please indicate times needed for electricity: \_\_\_\_\_ am/pm \_\_\_\_\_ am/pm

Request for street closure:  Yes  No (if yes, see below)

Letter for street closure attached:  Yes  No

\*A map detailing the exact route must accompany this application.

Owner of premises and address: \_\_\_\_\_

**PLEASE INCLUDE FULL DETAILS OF THIS EVENT** (will people be carrying signs, what is the nature of demonstration, live bands, guest speakers, musicians. etc.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

APPROVED \_\_\_\_\_ Date \_\_\_\_\_  
Licensing Officer

**THIS PERMIT MAY BE REVOKED FOR JUST CAUSE ACCORDING TO THE CITY OF CONCORD CODE OF ORDINANCES, CHAPTER 15, ARTICLES 15-10-3 & 15-10-15 A-D, WHICH INCLUDES NOISE OF A REASONABLE LEVEL. THE GRANTING OF A PERMIT BY THE CITY OF CONCORD TO USE THIS AREA FOR PUBLIC DEMONSTRATION OR DISPLAY INDICATES NEITHER ENDORSEMENT NOR SUPPORT BY THE MUNICIPALITY OF THE VIEWS OR RELIGIOUS BELIEFS OF THE LICENSEES.**

**15-10-15 Nuisance Defined.** *P*

A nuisance, in addition to its common law meaning, is anything that endangers life or health, gives offense to senses, violates the laws of decency or obstructs reasonable and comfortable use of property. This includes a public nuisance which is one which affects an indefinite number of persons, or all the residents of a particular locality, or all persons coming within the extent of its range or operation, although the extent of the annoyance or damage inflicted upon individuals may be unequal. Such nuisances include but are not limited to:

- (a) Alcohol and Drugs.
  - 1. It shall be the responsibility of the management to compel an intoxicated adult or one under the influence of drugs or one who is drinking alcohol beverages publicly or using drugs to leave the premises of the licensed activity, or to notify the proper authorities to effectuate such expulsion. Failure to meet this responsibility shall be a violation of this Ordinance. The prohibition against the public consumption of alcoholic beverages will not apply to this activities or premises that are properly licensed to permit the public consumption of alcoholic beverages.
  - 2. It shall be the responsibility of the management to notify the parents of a minor or the proper authorities when such a minor is either drinking alcoholic beverages publicly, using drugs or intoxicated or under the influence of drugs on the premises of the licensed activity. Failure to meet this responsibility shall be a violation of this Ordinance.
- (b) Loitering. It shall be a violation of this Ordinance to allow persons to congregate on the premises of a licensed activity when such persons are not involved in the participation of the licensed activity.
- (c) Noise. It shall be violation of this Ordinance if excessive noise from the licensed activity causes any deprivation to the use and enjoyment of property by residents located in the vicinity.
- (d) Tumultuous Conduct. It shall be violation of this Ordinance for a person affiliated with the licensed activity to knowingly permit another to disturb, tend to disturb or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct.

**15-10-3 Application of Regulations.**

- (a) *Compliance Required.* It shall be unlawful for any person, either directly or indirectly, to conduct any activity or to use in connection therewith any vehicle, premises, machine or device, in whole or in part, for which a license or permit is required by any Ordinance or State law without a license or permit therefor being first procured and kept in effect at all such times as required by State law or the Ordinances of the City. Specific provisions contained in a governing Ordinance shall prevail over general provisions of this Article.
- (b) *Agents Responsible for Obtaining License.* Every act or omission constituting a violation of any of the provisions of this Code or other Ordinances by an officer, director, manager, agent or employee of a licensee shall be imputed to the licensee. The licensee may be punished as if the act or omission had been done or omitted by the licensee personally. The agent, employees or other representatives of an owner who conduct an activity required to be licensed in this City shall be personally responsible for the compliance of their principals and of the activity they represent.
- (c) *Special Permit to Nonprofit Enterprise.* The Licensing Officer shall issue a special permit, upon the payment of the issuance fee prescribed below and without the payment of any other license fee or charge therefor, to any person or organization for the conduct or operation of a nonprofit activity either regularly or temporarily, when he finds that the applicant operates without private profit, for a public, charitable, educational, literary, fraternal, or religious purpose.
- (1) *Application for Special Permit.* The applicant for a special permit shall submit an application therefor to the City's Licensing Officer. The application shall be accompanied by an issuance fee as listed on Schedule I of Article 1-5 of the Code of Ordinances.
- (2) *Special Permittees Must Conform.* A person or organization operating under a special permit shall operate the nonprofit enterprise in compliance with this Article and all other applicable rules and regulations.



THE 188<sup>TH</sup> GENERAL COURT OF  
THE COMMONWEALTH OF MASSACHUSETTS

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|                            |   |                      |                      |
|----------------------------|---|----------------------|----------------------|
| <b>PART IV</b>             | <b>CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES<br/>(Chapters 263 through 280)</b> | <a href="#">PREV</a> | <a href="#">NEXT</a> |
| <b>TITLE I</b>             | <b>CRIMES AND PUNISHMENTS</b>   | <a href="#">PREV</a> | <a href="#">NEXT</a> |
| <b>CHAPTER 266</b>         | <b>CRIMES AGAINST PROPERTY</b>  | <a href="#">PREV</a> | <a href="#">NEXT</a> |
| <b>Section<br/>120E1/2</b> | <b>Reproductive health care facilities</b>  | <a href="#">PREV</a> | <a href="#">NEXT</a> |

Section 120E1/2. (a) For the purposes of this section, "reproductive health care facility" means a place, other than within or upon the grounds of a hospital, where abortions are offered or performed.

(b) No person shall knowingly enter or remain on a public way or sidewalk adjacent to a reproductive health care facility within a radius of 35 feet of any portion of an entrance, exit or driveway of a reproductive health care facility or within the area within a rectangle created by extending the outside boundaries of any entrance, exit or driveway of a reproductive health care facility in straight lines to the point where such lines intersect the sideline of the street in front of such entrance, exit or driveway. This subsection shall not apply to the following:—

(1) persons entering or leaving such facility;

(2) employees or agents of such facility acting within the scope of their employment;

(3) law enforcement, ambulance, firefighting, construction, utilities, public works and other municipal agents acting within the scope of their employment; and

(4) persons using the public sidewalk or street right-of-way adjacent to such facility solely for the purpose of reaching a destination other than such facility.

(c) The provisions of subsection (b) shall only take effect during a facility's business hours and if the area contained within the radius and rectangle described in said subsection (b) is clearly marked and posted.

(d) Whoever knowingly violates this section shall be punished, for the first offense, by a fine of not more than \$500 or not more than three months in a jail or house of correction, or by both such fine and imprisonment, and for each subsequent offense, by a fine of not less than \$500 and not more than \$5,000 or not more than two and one-half years in a jail or house of

correction, or both such fine and imprisonment. A person who knowingly violates this section may be arrested without a warrant by a sheriff, deputy sheriff or police officer if that sheriff, deputy sheriff, or police officer observes that person violating this section.

(e) Any person who knowingly obstructs, detains, hinders, impedes or blocks another person's entry to or exit from a reproductive health care facility shall be punished, for the first offense, by a fine of not more than \$500 or not more than three months in a jail or house of correction, or by both such fine and imprisonment, and for each subsequent offense, by a fine of not less than \$500 nor more than \$5,000 or not more than two and one-half years in a jail or house of correction, or by both such fine and imprisonment. A person who knowingly violates this provision may be arrested without a warrant by a sheriff, deputy sheriff or police officer.

(f) A reproductive health care facility or a person whose rights to provide or obtain reproductive health care services have been violated or interfered with by a violation of this section or any person whose rights to express their views, assemble or pray near a reproductive health care facility have been violated or interfered with may commence a civil action for equitable relief. The civil action shall be commenced either in the superior court for the county in which the conduct complained of occurred, or in the superior court for the county in which any person or entity complained of resides or has a principal place of business.

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## Testimony in Support of Senate Bill 319

Thank You Madam Chairman and members of the Judiciary Committee

For the record I am Nancy Stiles senator from district 24 representing 11 seacoast area communities where there are varying opinions but all support individual safety.

I'm pleased to appear before you to urge your support of Senate Bill 319, a bill that would establish a 25 foot patient safety zone surrounding reproductive health facilities where abortions are legally performed.

I would encourage you not to view this legislation through the lens of whether you consider yourself pro-life or pro-choice, but instead strip away those labels and understand this as a proposal to improve public safety and protect patient privacy. Because no matter where you stand on abortion, ensuring patients can safely access legally protected health care services is an important state interest which should unite us, not divide us.

I believe that both the right to free speech and the right to privacy in seeking medical care are important values for us to protect. And I recognize that many of the individuals who pray or protest outside health facilities do not utilize objectionable tactics nor do they obstruct access for patients seeking health care. But this law will not put a limit on what they can say or how they can say it. It will provide clarity about boundaries which will help law enforcement and health center security balance everyone's rights. And while I'm sure you will hear from people today where there is no claim that they have engaged in harassing or disruptive protests, we as legislators must consider the broader record of obstruction and unacceptable tactics directed at reproductive health centers when we make public safety legislation. There are other instances where we as legislators have acted to provide buffer zones, such as at polling places or surrounding cemeteries during funeral proceedings – protecting the dignity and safety of those seeking reproductive health care is of equal importance.

*Area*  
In my district we had a very unfortunate situation more than a decade ago which I believe unfairly impacted patient access. Through Senate Bill 319 I hope to avoid a similar result for other facilities: During the 1980s the narrow sidewalks in Portsmouth were routinely filled with anti-abortion protestors outside the Feminist Health Center which was located in the downtown area. There were no laws to keep protestors away from the building or from the

*clients it serves.*

*clients it served. While the center used trained volunteers to assist the patients, the protestors taunted and harassed the women as they entered or exited the health facility. Women felt their privacy was violated and there were repeated public safety concerns raised by the hostile environment. As a result, the center relocated from its original location out to a suburban property in Greenland, NH. While the center is still committed to serving the Seacoast community, it is not able to reach people in quite the same accessible manner. I think it is a shame that the behavior of some was able to lead to a setback in access in my community.*

And I don't want to see those facilities in other NH communities: Manchester, Concord and others pushed in the same direction which only rewards the intimidating and harassing tactics without standing up for the rights of women seeking legally-protected health care.

Senate Bill 319 strikes the right balance to ensure that everyone's rights are protected. I hope you will agree and vote it ought to pass with the amendments that the prime sponsor is suggesting.

**January 28, 2014**  
**Senate Judiciary Committee**  
**SB 319 Testimony by Barbara**

Good morning, my name is Barbara. I am here because it is important that you know how I was treated outside a women's health center before and after my abortion, and why it is critical to protect all women with a patient safety zone.

That morning, while driving to my appointment at the Concord Feminist Health Center, I was filled with confidence in my decision. I thought I knew exactly what to expect. First, I tried to quickly find a parking spot so that I could make my appointment on time, but I ended up driving around in circles after seeing a group of protesters milling around the sidewalk and beside some already parked cars. Not wanting to be any later than I was, I eventually took what was available near the building.

I did not expect the horde of almost gleeful, angry individuals when I stepped out of my car. I was swarmed not only with ridicule and hateful words, but also with personal questions, and pictures—lots of pictures. Somehow I managed to put one foot in front of the other and got to the front door. By the time I opened it, I was shaking and frightened by the wrath of strangers outside.

Afterwards, when it was time for me to go home, I left the building and proceeded towards my car. Hurrying, with keys in hands, fliers were on my windshield and someone got in my face and shouted, "Do you want to see what you've done?" and "We know your license plate number!" The sense of intense fear returned and I fled down the sidewalk. Someone followed me—shouting all the way and threatening me to stop. I just wanted to go home. Instead, propelled by the fear of more harassment from strangers, I hurried over two blocks away from my car and hid on an apartment stoop—I sat there for over an hour hoping the protesters would just go away and leave me alone.

The fear of not knowing what protesters might be capable of is why I am here today. While I never thought I would share such a personal story, I am because I am not afraid of trying to help protect others who may be brutally harassed like I was—or worse. The patient safety zone is an important step to help prevent patients like me from being harassed and intimidated in the future. No woman should have to run through a gauntlet. Give her some space.

Thank you.



**NARAL**  
Pro-Choice New Hampshire

To: Senate Judiciary Committee  
From: Sara Persechino, NARAL Pro-Choice New Hampshire  
Date: January 28, 2014  
Re: S.B. 319

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Thank you Chairwoman Carson and Committee members for your time. My name is Sara Persechino and I am here on behalf of NARAL Pro-Choice New Hampshire's statewide membership to support SB 319.

No one should face violence, harassment, or intimidation while attempting to access safe, legal health services, and no one should face threats of violence on their way to work. Unfortunately, this is the reality for many reproductive health care workers and the women seeking their care in New Hampshire.

While not all protesters create an environment of intimidation and obstruction, the disruptive conduct of some has led to a troubling uptick of patient complaints at health centers across the state. We cannot afford even one act of violence toward a New Hampshire woman or health provider and we should not tolerate the current harassment and intimidation happening outside reproductive health facilities in our state. The Patient Safety Zone to be established by SB 319 strikes the balance between protecting free speech and protecting citizen access to abortion care, free from harassment.

Since 1977, opponents of abortion have directed more than 6,400 reported acts of violence against abortion providers including bombings, arsons, death threats, kidnappings, and assaults, as well as more than 175,000 reported acts of disruption, including bomb threats and harassing calls. In New Hampshire, health centers, providers, and patients have been victims of verbal harassment, physical obstruction, death threats, anthrax scares, and arson. Recent reports detail an increased level of protest activity outside some New Hampshire reproductive health centers.

While the federal Freedom of Access to Clinic Entrances Act makes it unlawful for any person to obstruct or interfere with another's access to reproductive health services, there is no corresponding state or local protection.

Regardless of your individual stance on abortion, ensuring patients can access legally protected health care services serves the state interests of advancing public safety and the right to privacy. It's time for New Hampshire to join the sixteen states, the District of Columbia, and the federal government in establishing a law that protects patients and providers at reproductive health care facilities.

Thank you again for your time and the opportunity to register our support.



**NARAL**  
Pro-Choice New Hampshire

To: Senate Judiciary Committee  
From: Sara Persechino, NARAL Pro-Choice New Hampshire  
Date: January 28, 2014  
Re: S.B. 319 Frequently Asked Questions

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**Shouldn't we wait to act on SB 319 until the Supreme Court rules on the Massachusetts Buffer Zone law?**

Absolutely not. We deeply value free speech AND the right to privacy in New Hampshire—we support this law because it is narrowly tailored to ensure that both rights are protected.

Should the Supreme Court establish new guidelines for buffer zones then this bill can be amended to reflect the latest landscape. In the meantime, we should act without delay to put protections into place to keep patients, providers, and the public safe.

**Don't current New Hampshire laws already provide protection against violence and intimidation?**

Women and abortion providers' painful, real-world experiences have shown that general laws prohibiting violence and intimidation do not provide sufficient protection against the unlawful and often violent tactics used by some abortion opponents to harass the patients and staff at health centers.

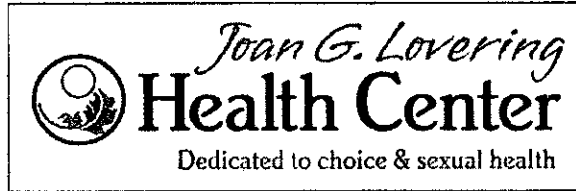
**Do law enforcement officials support the concept of a Patient Safety Zone?**

This legislation was developed with input from law enforcement and municipal officials who currently have no tools to proactively maintain public order and protect patient safety.

Having clarity about boundaries will help law enforcement and health center security balance everyone's rights.

**Isn't a buffer zone just a means to shut down protesters you don't agree with?**

No. Regardless of your personal views on abortion, ensuring patients can access legally protected health care serves the state interests of advancing public safety and the right to privacy.



Judiciary Committee  
Testimony on SB 319  
January 28, 2014

My name is Linda Griebisch and I am the Executive Director of the Joan G. Lovering Health Center in Greenland, NH. I am sorry not to be able to attend this hearing and speak in person. However, I am writing in support of this bill.

I was working at our clinic in 1980 when our clinic was in Portsmouth and the front door opened right onto the sidewalk. We had large groups of protestors and they were not friendly. In fact, we had to use volunteers to escort our patients through the picketers, so that they would be protected and safe. This became such an ordeal that when we decided to move to a new location. Private parking for patients and a long set back from the road were key selling points for any property we considered. Providing a confidential and secure location for our patients and staff was a major factor in choosing our current location. We are now located in a space that allows our patients access our facility with minimal contact with anti-choice picketers. This has made a huge difference to our patients and they are grateful for the privacy we have taken care to provide.

Some will tell you that they have a right to say anything to anyone and that no one can be protected from their freedom of speech. I say that their freedom of speech ends where my right not to have to listen to them begins. The first amendment has been limited before. You cannot say anything, at any time, to any person. You can't yell fire in a crowded building, unless there is a fire; you can't threaten people; you can't make false advertising claims and there are many other instances where free speech is qualified or restricted in some way.

Make no mistake – "sidewalk counseling" is nothing more than harassment and intimidation. I have seen it in action and if any counselor behaved the way some of these people behave, they would lose their license to practice and no one would go to them for help.

In conclusion, people have a right to access healthcare without being yelled at or shamed or frightened. No one is saying there can be no protest, only that picketers can not be in people's faces when they are doing it. A buffer zone provides freedom of speech for picketers and safety and privacy for patients entering a building. This bill covers free speech and patient rights. Please vote yes to pass this important piece of legislation. Thank you for your consideration.

Linda Griebisch  
Executive Director  
Joan G. Lovering Health Center



**NARAL**  
Pro-Choice America

BIENVENIDOS »

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## PROTECTION AGAINST CLINIC VIOLENCE

**Why are specific laws needed to address violence directed at reproductive-health providers and their patients?**

Women and abortion providers' painful, real-world experiences have shown that general laws prohibiting violence and intimidation do not provide sufficient protection against the unlawful and often violent tactics used by some opponents of choice to harass the patients and staff at health centers. Laws protecting women and providers from violence and intimidation are critical to preserving the right to choose and ensuring that reproductive-health clinics remain operable.

### Current State Laws

18 states and the District of Columbia have laws that protect health-care facilities providers, and/or patients from blockades, harassment, and/or other violence: CA, CO, CT, DC, KS, ME, MD, MA, MI, MN, MT, NV, NY, NC, OR, WA, WI.

- 3 of these states have buffer zones that protect patients and clinic personnel from unwanted harassment within specified distances from clinics: CO, MA, MT.

### 2013 Enacted State Legislation

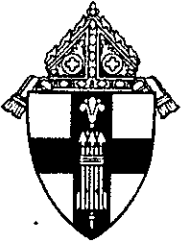
1 state enacted 1 law protecting health-care facilities, providers, and/or patients from blockades, harassment, and/or other violence: CA.

**[View a map of all states with Protection Against Clinic Violence.](#)**

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DIOCESE OF MANCHESTER  
*Secretariat for Administration*

January 28, 2014

The Honorable Sharon Carson  
Senate Judiciary Committee  
State House, Room 100  
Concord, New Hampshire 03301

**Re: SB 319 (Relative to Access to Reproductive Health Care Facilities)**

Dear Senator Carson and Members of the Judiciary Committee:

As the Director of the Office of Public Policy of the Roman Catholic Diocese of Manchester, and on behalf of Bishop Peter Libasci, I write to **oppose SB 319**, a bill calling into question the free speech rights of New Hampshire citizens.

SB 319 would create a buffer zone around abortion clinics, only allowing certain individuals to be present within the designated area. The plain language of the bill is intended to silence the speech of those who oppose abortion. The First Amendment of the United States Constitution and Part I, Article 22 of the New Hampshire Constitution, however, prohibit our state and federal governments from creating laws that restrict speech based upon its content. In *Hill v. Colorado*, the United States Supreme Court recognized, "The right to free speech, of course, includes the right to attempt to persuade others to change their views, and may not be curtailed simply because the speaker's message may be offensive to his audience." 530 U.S. 703 at 716 (2000). The *Hill* decision affirmed that it is "constitutionally repugnant" to ban particular topics from being discussed, while others are allowed. *Id.* At 722-23.

The constitutionality of a Massachusetts abortion clinic buffer zone law currently is under review by the United States Supreme Court in the case of *McCullen v. Coakley*. The Court heard oral arguments in the case earlier this month. It would be premature for the New Hampshire Legislature to take action to enact an abortion clinic buffer zone law when the Supreme Court likely will soon declare the law unconstitutional.

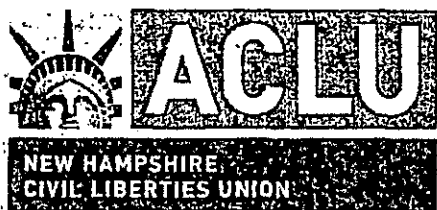
We urge the committee to report SB 319 as inexpedient to legislate because this bill suppresses the speech of individuals based upon the content of their speech, a direction inconsistent with the basic right of free speech. Thank you for your consideration of our testimony and for your service to the people of the State of New Hampshire.

Sincerely,

Meredith P. Cook, Esq.  
Director, Office of Public Policy

MPC/





## NEW HAMPSHIRE CIVIL LIBERTIES UNION

18 Low Avenue  
Concord, New Hampshire 03301  
603-225-3080  
www.NHCLU.org

DEVON CHAFFEE  
EXECUTIVE DIRECTOR

December 11, 2013

VIA REGULAR AND ELECTRONIC MAIL (dwensley@JonesWensley.com)

Danford J. Wensley  
40 Wakefield Street  
Rochester, NH 03867-1500

**Re: Rochester "Panhandling Ordinance," Chapter 31 of Rochester City Ordinances**

Dear Mr. Wensley:

I write on behalf of the New Hampshire Civil Liberties Union ("NHCLU") in an effort to avoid litigation concerning Chapter 31 of the Rochester City Ordinances. In particular, we ask that the City of Rochester take steps immediately to rescind Chapter 31 of the Rochester City Ordinances in its entirety. If the City does not agree to rescind Chapter 31 by January 3, 2014, we will work with citizens impacted by this law to bring an action seeking preliminary and permanent injunctive relief against the Ordinance's enforcement, as well as attorneys' fees. Contemporaneous with this letter, the NHCLU has submitted a Right-to-Know request pursuant to RSA 91-A.

Chapter 31 is problematic in part because, while the City has sought to justify the law with concerns about "aggressive" behavior, the Chapter's scope is not limited to such conduct. For example, while the Chapter purports to prohibit so-called "aggressive" solicitation, it proscribes a wide range of peaceful conduct—including any form of solicitation (such as merely holding a sign) designed to "immediately" obtain money (i) "within 50 feet of any entrance or exit of any business or organization during its business hours," (ii) within 50 feet of an ATM or bank, (iii) in a bus shelter or at a bus stop, and (iv) in a median of any public road. *See, e.g.,* Chapter 31.3(b)-(i). These prohibitions effectively ban peaceful panhandling on sidewalks and other public spaces in the entire downtown/business district area of Rochester, including most (if not all) of the public square on the corner of North Main Street and Wakefield Street. As explained in more detail below, Chapter 31 is unconstitutional.

*First*, by prohibiting only a request for "the purpose of immediately obtaining money or any other object of value," the law is a content-based speech restriction and is presumptively unconstitutional. *See, e.g., R. A. V. v. City of St. Paul Minnesota*, 505 U.S. 377, 382 (1992) (stating that content-based restrictions are presumptively invalid); *Clatterbuck v. City of Charlottesville*, 708 F.3d 549, 556 (4th Cir. Va. 2013) ("The Ordinance plainly distinguishes between types of solicitations on its face. Whether the Ordinance is violated turns solely on the nature or content of the solicitor's speech: it prohibits solicitations that request immediate donations of things of value, while allowing other types of solicitations, such as those that request future donations ...."). Chapter 31 can only survive constitutional review if it is narrowly tailored to meet some compelling governmental interest—that is, if it is the least restrictive means of addressing whatever compelling interests the City identifies.

Second, Chapter 31 cannot pass strict scrutiny, especially where it bans all forms of solicitation (whether it be verbal or in writing) in a large portion of the city. Laws generally banning panhandling in public, or even in some large section of a city, have previously been struck down as unconstitutional abridgements of the right to free speech. See *Clatterbuck*, 708 F.3d at 556 (plaintiff's complaint challenging no-solicitation zone survives motion to dismiss); *Ayres v. City of Chicago*, 125 F.3d 1010, 1015-16 (7th Cir. 1997) (granting injunction against ordinance forbidding the peddling of any merchandise, except newspapers, on either public property or certain private property in districts designated by the city council); *Speet v. Schuette*, 889 F. Supp. 2d 969, 978 (W.D. Mich. 2012) (holding unconstitutional Michigan statute prohibiting begging), *aff'd*, 726 F.3d 867 (6th Cir. 2013); *Loper v. New York City Police Dep't*, 999 F.2d 699, 705 (2d Cir. 1993) (restriction on "begging" was impermissibly content-based); *Pike's Peak Justice & Peace Commission*, No. 12-cv-03095-MSK (D. Colo. Dec. 18, 2012) (ordinance prohibiting all forms of solicitation within a 12-block area of downtown Colorado Springs was unconstitutional). Indeed, we are not aware of a single case anywhere in the country upholding a ban on panhandling in a wide-swathe of a downtown area as is the case here.

The City has not even identified a compelling interest for this ban on peaceful, protected speech, especially where the "Intent of the Ordinance" primarily concerns the prevention of "threatening, intimidating or harassing behavior." As Councilor Lauterborn explained in a May 14, 2013 article in the *Rochester Times*, "members of the community who have complained about the issue see panhandling as a nuisance that can foster a negative image for the city." Of course, this is not a compelling interest for precluding the exercise of free speech by the City's poor and vulnerable, and it goes without saying that the very reason for the First Amendment's existence is to protect speech that others find a "nuisance." See *Boos v. Barry*, 485 U.S. 312, 322 (1988) ("As a general matter, we have indicated that in public debate our own citizens must tolerate insulting, and even outrageous, speech in order to provide adequate 'breathing space' to the freedoms protected by the First Amendment.") (internal quotations omitted).

Even if the City has a compelling interest (which it does not), the City cannot demonstrate that an effective ban on all panhandling in medians and much of downtown Rochester is a narrowly tailored and least restrictive means of advancing that interest. As both the Supreme Court and the Tenth Circuit have explained, "one is not to have the exercise of his liberty of expression in appropriate places abridged on the plea that it may be exercised in some other place." *Reno v. ACLU*, 521 U.S. 844, 880 (1997) (quoting *Schneider v. State*, 308 U.S. 147, 163 (1939)); *ACORN v. Golden*, 744 F.2d 739, 749 n.8 (10th Cir. 1984) (same); see also *Comite de Journaleros v. the City of Redondo Beach*, 657 F.3d 936, 947-51 (9th Cir. 2011) (ordinance making it unlawful "for any person to stand on the street and solicit employment, business, or contributions from an occupant of any motor vehicle" was unconstitutional); *People v. Griswold*, 821 N.Y. S. 2d 394, 402-403 (City Ct. of N.Y. 2006) ("There is no reason why prohibiting the homeless from standing on traffic islands to solicit donations is necessary to protect safety, if others are permitted to engage in similar conduct.").

Third, Chapter 31.3(a)'s language purporting to ban solicitation in an "aggressive manner" is not necessary to assure safety or preserve the peace, especially given that other statutes already criminalize the very "aggressive" behavior that the City purports to address.

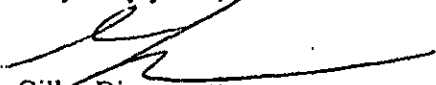
New Hampshire, for example, already prohibits individuals from interfering with traffic and from engaging in threatening behavior in a public place. See RSA 265:40(I) ("No person shall stand on the travelled portion of a roadway for the purpose of soliciting a ride, employment, business or contributions from the occupant of any vehicle."); RSA 644:2 ("A person is guilty of disorderly conduct if: I. He knowingly or purposely creates a condition which is hazardous to himself or another in a public place by any action which serves no legitimate purpose; or II. He or she: (a) Engages in fighting or in violent, tumultuous or threatening behavior in a public place; or (b) Directs at another person in a public place obscene, derisive, or offensive words which are likely to provoke a violent reaction on the part of an ordinary person; or (c) Obstructs vehicular or pedestrian traffic on any public street or sidewalk or the entrance to any public building.").

Fourth, the language in Chapter 31.2(b) and 31.3(a) purporting to ban "aggressive" solicitation is unconstitutionally vague, as it fails in many instances to specify the prohibited conduct, leaving police free to implement a discriminatory policy of selectively enforcing the Chapter against the poor. For example, Chapter 31.2(b), which defines "aggressive manner," prohibits a soliciting person from (i) following "a person being solicited," (ii) "continuing to solicit within five feet of the person being solicited after the person has made a negative response to such solicitation," (iii) "using words," or (iv) approaching a person to the extent that all such conduct is done in a manner that is "likely to intimidate the person" being solicited or likely to cause a reasonable person to fear the commission of a criminal act. Because, for example, it is entirely unclear from the Chapter what specific acts or words or even whether the continued display of a sign can be considered "aggressive" or "intimidating," it is up to individual police officers to determine whether this language has been violated.

Finally, by carving out from the Chapter's scope solicitations for future donations and ordinary commercial transactions, Chapter 31 is plainly targeted, without any valid basis, at the poor and homeless. Thus, the law also violates the Equal Protection Clause of the Fourteenth Amendment. See, e.g., *Police Dep't of Chicago v. Mosley*, 408 U.S. 92, 99-100 (1972); *Parr v. Mun. Court for Monterey-Carmel Judicial Dist.*, 479 P.2d 353 (Cal. 1971).

We urge you to review the precedents discussed above and to conduct your own independent review of the law's constitutionality. We do not believe it is a productive use of anyone's time or of taxpayers' money for the City to defend such a patently unconstitutional law. I am, of course, more than willing to discuss this matter and to answer any questions you may have concerning the constitutional issues discussed above. I enjoyed our productive conversation yesterday, and I look forward to your response.

Very truly yours,



Gilles Bissonnette  
NHCLU, Staff Attorney  
[Gilles@nhclu.org](mailto:Gilles@nhclu.org)



**Concord Feminist Health Center**  
*Quality~Compassion~Respect - Since 1974*

January 28, 2014  
Senate Judiciary Committee  
Testimony on SB 319

Thank you for reading the following testimony. My name is Dalia Vidunas. I am the Executive Director of the Concord Feminist Health Center. I am here to let you know that I am in support of SB319, relative to establishing a buffer zone for reproductive health care facilities.

Several times a week, Right to Life protesters mobilize in front of the Concord Feminist Health Center (CFHC) harassing people, both patients and staff, as they enter into the facility. Protesters assume that every person who enters into the Health Center is there for an abortion. This is the furthest thing from the truth. The majority of patients that come to CFCH are seeking routine medical services such as annual exams, cancer screenings. GYN care, etc. Yet the protesters will do not discriminate and will bully all try to enter the Health Center. During the last 40 Days for Life Campaign that targeted CFHC, over 600 protesters came to intimidate our patients. How many other doctors' offices in New Hampshire have to endure this type of harassment?

Not all protesters scream and shout at patients. For some protesters, the more insidious ones, it becomes a type of cat and mouse game, in terms of what they can get away with. They know trespassing on CFHC property is illegal, and that it is illegal to physically impede access to a facility or to block the parking meters where patients park their cars. However, that does not stop many of the protesters at CFHC. Some protesters completely surround a patient walking on the sidewalk as they pray for her, making it difficult for her to walk without walking into one of them. Often, protesters will stand directly in front of the parking meters at CFHC, blocking access to put money into the meters. The protesters know that I am reticent to call the police on every single violation – the police have other duties to perform than to babysit protesters. As a result, when I have asked protesters to please move and not block the City's parking meters or to not invade a patient's space and allow her to walk unimpeded, I have been met with comments such as "Go ahead and call the cops. I dare you." The times I do call the police, the protesters quickly get into their cars and leave as soon as they see the police arriving.

The following is a list of common harassment and intimidation tactics often utilized by anti-choice protesters at CFHC:

- Approaching or blocking the cars of clients
- Blocking access to parking meters
- Videotaping and photographing of clients
- Posting pictures of clients on the internet
- Recording license plate numbers of clients

- Calling clients derogatory names and/or accusing them of murder
- Pass out pamphlets and leaflets containing inaccurate statements about abortion
- Posting pictures of doctors and staff on the internet (an example of this is <http://abortiondocs.org/> which has pictures of New Hampshire medical providers and staff, accusing them of being part of an abortion cartel).

The protesters that congregate at CFHC rely on intimidation, emotional manipulation and bullying. In addition to the above mentioned tactics, they will often follow patients crying out things such as “Please don't kill your baby!” and “You will regret this for the rest of your life.” “Be a man” is a very common derogatory phrase yelled at husbands and male companions. Protesters will often then follow up with “Don't let her kill your baby.”

I ask you to not underestimate the impact of these hateful things that get shouted and screamed. A woman and her husband, who came to CFHC to obtain miscarriage management services for a very wanted pregnancy, had to face protesters who yelled “Don't kill me mommy!” This patient was devastated by the loss of her pregnancy only to have her grief grow exponentially because of the protesters. The husband was just as distraught and angry, feeling helpless that he couldn't protect his family from this verbal assault. When he entered the Health Center he wanted to punch the person who had said those things to his wife. We were able to calm him down and provide the medical care his wife desperately needed. How would you feel if this woman was your wife or daughter or sister or niece or aunt?

As a result of this kind of bullying and intimidation, CFHC has trained volunteer escorts to assist patients in entering the Health Clinic. Their primary duty is to ensure that patients can safely and comfortably access CFHC when anti-choice protesters are present. When escorts are not available and patients have indicated that they are afraid of the protestors, I personally escort them to and from their cars. I do it myself because I don't want to ask my staff to put themselves in possible danger and harassment by the protesters.

Every person in this state has the right to access legal health care without fear of intimidation and repercussions. Patients who come to the Concord Feminist Health Center are simply exercising their right to legal medical care. They deserve the same right as everyone else, to obtain legal health care without fear.

I ask you to please pass SB319. Thank you for your attention.

Dalia Vidunas, MSW

Executive Director

Concord Feminist Health Center

603-225-2739

[dalia@feministhealth.org](mailto:dalia@feministhealth.org)

Rep. Souza

**Masses & Services**



SATURDAY MASS (VIGIL) 4:00 P.M.

HOLY DAY MASSES

*As Announced  
in Bulletin*

SUNDAY MASSES 9:00 & 10:30 A.M.

CONFESSION SATURDAY 3:00 P.M.



# St. Hedwig Church

**MANCHESTER, NEW HAMPSHIRE**



*Corner of Beech and Orange Streets*

**Rev. Alfred A. Daniszewski, Pastor**



**PARISH OFFICE:** Entrance On 180 Orange Street, Manchester, NH 03104

**MAILING ADDRESS:** 147 Walnut Street, Manchester, NH 03104 ♦ **623-4835** (RECTORY)

**CONVENT:** 151 Walnut Street, Manchester, NH 03104 ♦ **232-3115** (CONVENT)

**ST. CASIMIR SCHOOL:** 456 Union Street, Manchester, NH 03104 ♦ **623-6411** (SCHOOL)

### SACRAMENTAL INFORMATION

**CONFESSION:** Saturdays at 3:00 P.M. and as announced in Bulletin, or by appointment.

**BAPTISM:** Sundays. Please make arrangements one (1) month in advance.

**MARRIAGE:** Please make arrangements at least six (6) months in advance.

**NEW PARISHIONERS:** Please register at the Rectory or in the Sacristy after Mass.





# Third Sunday in Ordinary Time



January 26, 2014

## This Week in the Catholic Church

**Monday** ✧ **January 27**

Saint Angela Merici,  
Virgin

**Tuesday** ✧ **January 28**

Saint Thomas Aquinas,  
Priest and Doctor of the Church

**Wednesday** ✧ **January 29**

Weekday in the  
Third Week in Ordinary Time

**Thursday** ✧ **January 30**

Weekday in the  
Third Week in Ordinary

**Friday** ✧ **January 31**

Saint John Bosco,  
Priest

**First Saturday** ✧ **February 1**

Common of the  
Blessed Virgin Mary

## St. Hedwig Mass & Confession Schedule

**Saturday Mass 4:00 P.M. (VIGIL)**

**Sunday Masses 9:00 A.M. & 10:30 A.M.**

**Saturday Confession 3:00 P.M.**

## Masses & Intentions

*Please Pray for . . .*

† **Saturday • January 25 • 4:00 P.M. Vigil Mass**  
For *Parishioners*

† **Sunday • January 26 • 9:00 A.M. Mass**  
Sp. *Oczykowski Family* from Wanda & John Mourao

† **Sunday • January 26 • 10:30 A.M. Mass**  
Sp. *John Kazanowski Sr., John Jr., Theresa, Eva & Mary* from Family

† **Saturday • February 1 • 4:00 P.M. Vigil Mass**  
Sp. *Joseph Sr. and Frances M. Wisniewski* from Loving Family

† **Sunday • February 2 • 9:00 A.M. Mass**  
Sp. *Helen Marchut* from John & Wanda Mourao

† **Sunday • February 2 • 10:30 A.M. Mass**  
Sp. *Bykowski Family* from John & Wanda Mourao

## Parish Calendar

### COFFEE/DANISH AFTER 9:00 A.M. MASS

In celebration of the beginning of **Catholic Schools Week**, there will be a gathering in the Church Hall, today, Sunday, **JANUARY 26**, after the 9:00 A.M.

Mass. Light Refreshments and Danish will be served. Parents, students, teachers, and all parishioners are invited to attend. Won't you plan to join us?

### LADIES GUILD POST CHRISTMAS PARTY



The St. Hedwig Ladies Guild will be holding its Post Christmas Party (with Yankee Swap) in the Canotas Room, Puritan Restaurant, today, Sunday, **JANUARY 26**, at 11:30 A.M.

Please note that the Stipend for all Masses, both weekday and weekend, is \$10.00

### CONFIRMATION CLASSES THIS EVENING

Confirmation Classes will be held today, Sunday, **JANUARY 26**, 6:00 P.M., in the St. Hedwig Rectory (weather permitting). Please use the Orange Street entrance. Questions: **623-4835**.



### NO RELIGIOUS EDUCATION CLASSES



There will be no Religious Education Classes this week at St. Casimir School due to special events being held for Catholic Schools Week. Classes will resume on Tuesday, **FEBRUARY 4**.

## Financial Support

*Thank You For Your Continued Generosity  
Towards Our Parish Needs ~ Bog Zaplac*

**Prayer for Vocations**

**WEEK OF JANUARY 26**

**F**OR AN INCREASE IN VOCATIONS to the priesthood and consecrated life and for a deeper gratitude for the priests and religious now serving our diocese by proclaiming the kingdom of heaven among us, we pray to the Lord.

*"Reform your lives! The kingdom of heaven is at hand."* Are you being called to proclaim the coming of the kingdom as a priest, religious sister, or brother? Please call Father Jason Jalbert at **663-0132**; or you may E-Mail him at [jjalbert@rcbm.org](mailto:jjalbert@rcbm.org).

**NH Catholic Directory 2014  
Now Available from Diocese**

The 2014 edition of the *NH Catholic Directory* is now available, and comes with a spiral binding. To order, send a check for \$19.00 (includes shipping) to: Finance Office, Diocese of Manchester, P.O. Box 310, Manchester, NH 03105-0310. Include your Name, Address, City, State, Zip Code, and Phone Number. Print clearly. Make checks to: **RCBM** (Roman Catholic Bishop of Manchester). More info: **669-3100**, [EXT. 185].



**Month of January Is  
Poverty Awareness Month**

More than 46 million people in America are living below the poverty line — far more than the population of our largest state. Nearly one in six of us lives in poverty and worse yet, nearly one in five children. January is *Poverty in US Awareness Month*. Learn more about poverty in America for Poverty Awareness Month by visiting [www.PovertyUSA.org](http://www.PovertyUSA.org).



**National Day of Prayer Feb. 8**

The *National Day of Prayer for Survivors and Victims of Human Trafficking* will be celebrated on **February 8**, the Feast Day of St. Josephine Bakhita. St. Josephine Bakhita, who was kidnapped as a child and sold into slavery in Sudan and Italy, dedicated her life after she was freed to comforting the suffering and sharing her testament of deliverance from slavery. Her Feast Day is a fitting day to support, remember, and pray for those affected by trafficking.



**Cathedral Hosts Catholic Choir**

St. Joseph Cathedral is hosting the *Boston Black Catholic Choir in Concert* today, Sunday, **January 26**, at 3:00 P.M. Cost to attend is \$15. For more info, call **622-6404**, [EXT. 31].

**Scripture Study at Cathedral**

St. Joseph Cathedral invites all to attend *Scripture Study: Book of Jonah*, this Wednesday, **January 29**, from 7:00 to 8:30 P.M. No charge.

**New Hampshire Catholics  
Do Make A Difference!!!**

Together we make a difference. New Hampshire Catholics showed tremendous support for our brothers and sisters who fell victim to Typhoon Haiyan. \$87,256.50 was collected on **November 23-24, 2013**.

On **November 9-10, 2013**, New Hampshire Catholics collected \$65,841.05 in support of the Archdiocese for the Military Services. Funds raised from this national collection make it possible for the archdiocese to ensure that all military Catholics and their families, as well as patients in the Department of Veterans Affairs (VA) Medical Centers, have access to the sacraments, the spiritual guidance of a Catholic chaplain, and authentic Catholic education, wherever they are stationed around the world.

**Thank You for  
Your Generous Contributions!!!**



**St. Casimir School  
Catholic Schools Week Activities**

- Sunday • January 26**  
Mass at St. Hedwig Church 9:00 A.M.
- Monday • January 27**  
Games / Snacks / Silly Slipper Day
- Tuesday • January 28**  
Crazy Hat Day / Teacher Switching
- Wednesday • January 29**  
Sports Jersey Day / Spelling Bee
- Thursday • January 30**  
Tubing at McIntyre (9:00 – 11:00 A.M.)
- Friday • January 31**  
Dress Down Day /  
Teacher & Student Appreciation

**Catholic  
Schools Week**

**January 26  
— THROUGH —  
January 31**

**ST. CASIMIR SCHOOL  
OPEN HOUSE**

**MONDAY THROUGH FRIDAY  
9:00 A.M. TO 1:30 P.M.**  
(or by Appointment)

Special Parent/Guardian,  
Student, Faculty, and Staff  
Will Be On Hand

*At St. Casimir School, we celebrate our faith and strive to instill integrity, compassion, and confidence in each child, to become his or her own unique self.*

456 Union Street  
Manchester, NH 03104  
Telephone: 623-6411





## NH Catholic Charities Hosts Mardi Gras Next Saturday

New Hampshire Catholic Charities' premier fundraising gala is *Mardi Gras*, and will be held next Saturday,

**February 1**, at 6:00 P.M. at the Grappone Conference Center, Concord. Mardi Gras raises money for New Hampshire Catholic Charities' emergency services. Over \$100,000 was raised at last year's event. Over 400 guests are surrounded by a festive Mardi Gras ambiance and treated to authentic Cajun and Creole cuisine, live music, dancing, and entertainment. Reservations required. Tickets: \$100 per person. Call Rosemary at **669-3030** for more details. Thank you for joining us for an exciting evening of great food and fun — all for a good cause!!!



## BUNNY

### The Line Forms Here

*God looks over the millions of people and says "Welcome to Heaven. I want the women to go with Saint Peter, and the men to form two lines. Make one line of the men that dominated their women on earth, and the other of men who were dominated by their women."*

*There's much movement, but eventually the women are gone and there are two lines. The line of the men that were dominated is 100 miles long. The line of men that dominated women has only one man.*

*God gets upset and says, "You men should be ashamed of yourselves. I created you in my image and you were all dominated by your mates. Look at the only one of my sons that stood up and made me proud. Learn from him!"*

*He turns to the man and says, "Tell them, my son. How did you manage to be the only one on that line?"*

*The man says, "I don't know, my wife told me to stand here."*

## Marriage Encounter Weekend

The next Encounter Weekend will be held on **March 14-16**. More info: **800-710-WWME**.

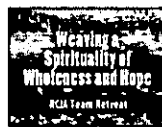
## World Day for Consecrated Life

In 1997, John Paul II called for consecrated life to be promoted throughout the universal Church. He declared next Sunday, **February 2**, the feast of the Presentation of the Lord, to be observed as **World Day for Consecrated Life (WDCL)**. Some Christian women and men respond to God's call to become followers of Jesus through profession of vows and a life dedicated to prayer and service. They live out the consecrated life in different ways. Religious sisters, nuns, brothers, religious priests, and monks consecrate their lives through their profession of the evangelical vows and live as part of a community. Single lay people may choose to be consecrated virgins and make private vows to the local bishop as they live out their vocation in various walks of life. Secular institutes are another form of living the consecrated life as single people. Those who become followers of Jesus through the consecrated life live out their baptismal commitment as followers of Jesus and bless the Church.



## Helene Cote Hosts RCIA Retreat

RCIA Teams are invited to a retreat led by Helene Cote, P.M., MTS. In *Weaving a Spirituality of Wholeness and Hope*, we will revisit some of the basic skills and "threads of life" needed to weave a Self and a spirituality that is truly wholesome, real, and filled with a profound sense of hope. This retreat will be held Saturday, **February 8**, 9:00 A.M. to 3:00 P.M., Christ the King Parish at St. John the Evangelist Church, 72 So. Main Street, Concord. Register by **January 31**. Info: **663-0174**; or register online at [rcia-retreat2014.eventbrite.com](http://rcia-retreat2014.eventbrite.com).



## Thursdays

### on Pennacook Street

More than two dozen abortion-bound women went to Planned Parenthood last Thursday, and at 5 P.M. half of them were still inside. One young woman had an abortion in the morning and then returned hours later, when the man with her lifted her out of the car and carried her back inside. She left an hour later, walking slowly and bent over. The good news is that two women made the choice for life this week! A young couple parked in the adjacent lot for an hour while the woman cried and talked on the phone and ultimately drove away. Later, a woman parked in a van across from PP and was extremely distraught. Noticing her tears, some prayer volunteers offered assistance. She replied she had financial problems. They informed her about the nearby Pennacook Pregnancy Center, where she could receive compassionate care and resources, but she drove away a few minutes later. Please remember these women and their babies in your prayers. Many thanks to Monsignor Frontiero and Seminarian Ryan Brady of St. Joseph Cathedral, who joined the prayer volunteers in saying the rosary for all pregnant women and their babies, as well as the conversion of those participating in the murder of the unborn.

**BACKGROUND INFO** — Prayer volunteers from this parish and parishes from all over our Diocese pray outside the Planned Parenthood clinic in Manchester and offer assistance to women unsure about their decision to abort. These stories are their eyewitness accounts. **There are 20 to 30 surgical abortions performed every Thursday.** For more information about how you can help save women and babies from abortion via the newly opened Pennacook Pregnancy Center, contact Cathy Kelley at **483-5177**; or E-Mail her at [catkelley@comcast.net](mailto:catkelley@comcast.net). To learn more about being a prayer volunteer and witness for Life, please send E-Mail to [prayforlifecenter@gmail.com](mailto:prayforlifecenter@gmail.com); or visit the website [www.prayforlifecenter.org](http://www.prayforlifecenter.org).



**SB 319**                    **Relative to Access to Reproductive Health Facilities**  
**Committee:**           **Senate Judiciary**  
**Date:**                    **January 28, 2014**  
**Position:**              **SUPPORT**

**Planned Parenthood of Northern New England (PPNNE) is the largest provider of reproductive and sexual health care for women, men and teens across the State of New Hampshire. We serve New Hampshire residents through 6 health centers in Claremont, Derry, Exeter, Keene, Manchester and West Lebanon. Last year we saw nearly 16,000 patients at these sites. We offer surgical and/or medication abortion at 3 of our NH locations.**

#### **BACKGROUND**

Reproductive health centers in New Hampshire have never been free of picketing and protest activity. However, in the past two years the volume and frequency of protests has increased and the escalating type of tactics that some protestors are willing to use has resulted in increased patient harassment and increased need for on-site security. Obstructing the driveway entrance, blocking on-street parking spaces, photographing patients and staff and verbal assaults have become routine complaints from our patients and their family members. Protestors gather in front of the entrance and create barriers for patients seeking to access health center and they invade the privacy of those who do not want to engage in dialogue entering or exiting. The escalation in activity over the past year corresponds with the acquisition of a residential property immediately across the street which is used as a headquarters for protest activity. We also had two separate 40 day protest marathons in 2013 where group protest activity occurs in the neighborhood for 40 consecutive days at a time.

#### **PUBLIC SAFETY IS AT RISK**

There are currently no legal protections or restrictions preventing a protestor from getting right in the immediate physical space of a patient walking on a sidewalk or trying to access an entrance to a health center. The federal Freedom of Access to Clinic Entrances Act F.A.C.E. makes it unlawful for any person to obstruct or interfere with another's access to reproductive health care services but there is no corresponding state or local protection.

In Manchester in the past year Planned Parenthood has had to increase our health center security and call the police on multiple occasions to protect patient access and safety or address traffic / congestion problems. In 2013 we had 10 documented incidents where the police were called including incidents of disorderly conduct, picketers obstructing patient access and traffic and trespassing on the health center premises.

Health center security cost PPNNE more than \$45,000 in 2013 alone.

#### **PUT AN END TO PATIENT AND STAFF INTIMIDATION AND PHYSICAL OBSTRUCTION**

For certain, not all protestors utilize objectionable tactics or create an environment of intimidation and obstruction. However, the disruptive and intrusive conduct of some has led to more than 60 patient complaints logged in the past year. We have been working more closely with the Manchester Police Department and state and federal authorities recently based on threats that have been made toward our staff and photographs that have been taken of them and posted on opposition websites.

We are striving to create an environment that allows patients to obtain all reproductive health care, including abortion, in a manner that is safe and private and respectful. And we're asking for your help.

Having clarity about boundaries will help law enforcement and health center security balance everyone's rights.

**A 25-FOOT BUFFER ZONE WILL PROVIDE A SAFE SPACE FOR UNOBSTRUCTED PATIENT ACCESS WHILE PRESERVING THE RIGHT TO PROTEST OR PROVIDE SIDEWALK COUNSELING CONSISTENT WITH THE FIRST AMENDMENT**

For more information contact: Jennifer Frizzell, Senior Policy Advisor [jennifer.frizzell@ppnne.org](mailto:jennifer.frizzell@ppnne.org) 603.513.5334



For appointments, call 1-866-476-1321  
or visit us online at [www.ppnne.org](http://www.ppnne.org)

Planned Parenthood of  
Northern New England

## WE'RE YOUR RESOURCE FOR:

- Annual exams for women of all ages
- Birth control, including emergency contraception
- Cervical, breast, colorectal, and testicular cancer screenings
- Testing and treatment for urinary tract and vaginal infections
- Immunizations for HPV and hepatitis A & B
- Pregnancy testing and options counseling
- Preconception education and prenatal referrals
- Transgender hormone therapy (selected sites only)
- In-clinic abortions and the abortion pill (selected sites only)
- Testing and treatment for sexually transmitted diseases

## HEALTH CENTER LOCATIONS

### Claremont

136 Pleasant St., Claremont, NH 03743 | 603-542-4568

### Derry

4 Birch St., Derry, NH 03833 | 603-434-1354

### Exeter

108 High St., Exeter, NH 03833 | 603-772-9315

### Keene

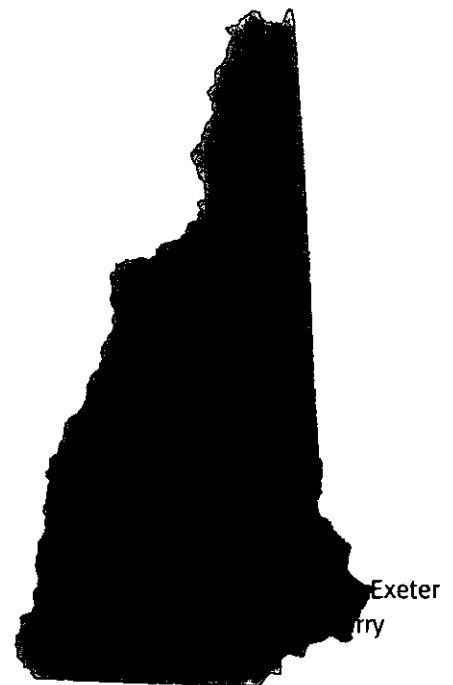
8 Middle St., Keene, NH 03431 | 603-352-6898

### Manchester

24 Pennacook St., Manchester, NH 03104 | 603-669-7321

### West Lebanon

89 S. Main St., West Lebanon, NH 03784 | 603-298-7766



## IN THEIR OWN WORDS

### Patients Speak in Favor of a Buffer Zone at New Hampshire Reproductive Health Facilities

When I arrived they were in front of the driveway preventing me from driving in. I had to rev my engine to make them move. It was intimidating as they surrounded my car before I could get through. Walking from the car they started yelling at me and my client. I work with rape victims and this behavior and harassment only re-traumatizes them. I will come and speak for a law that would keep them away from the entrance.

*Joanne, Jaffrey, 2013*

As I was walking from my car I had 3 people ask me to take the reading material they wanted to give me. When I said no thank you they turned mean and yelled things at me such as "baby killer" and "you'll never be forgiven for this decision". They took out a camera and I don't know if they actually took my picture. This is a very private matter and they should not be able to inflict such pain and suffering during an already stressful time in women's lives.

*Katherine, Manchester, 2013*

I came for my appointment. The driveway was blocked by protestors so I could not pull in so I parked next door at the pharmacy. As I walked back to the health center I had 2 women follow me yelling "Don't Do It". They don't know me or my business. I talked with the front desk and they sent a security guard out to the parking lot to walk me to my car. Please consider a buffer zone for patients. The signs are one thing, but to follow, harass, yell at and take pictures of patients gives a sense of fear for one's safety.

*Sincerely, A grateful client of Planned Parenthood, 2013*

Walking in was absolutely ridiculous. I was yelled at and called a "murderer" by multiple people who surrounded me. It was difficult to get to the entrance since they were in the way. It is so different on the inside of PP where they are caring and non-judgmental. When I was done with my appointment I didn't want to leave and encounter them again.

*Anonymous, 2013*

Initially I could not turn in to park because a crowd of protestors was blocking the entrance, yelling at me to open the car window to take their pamphlets. Another PP patient was in a verbal altercation with 2 male protestors and she was upset and crying. I am here to support a family member today but I have used and benefited from these health services in the past. I find these protestors intimidating and upsetting. They shouldn't be able to interact with people trying to go in or out!

*Alison, Manchester, 2013*

I went into PP to pick up some birth control and there were several people standing outside with large signs. They didn't bother me much coming in but when I was driving out, one woman came up to my window and pestered me about taking a pamphlet despite my polite refusal. There were big signs held up everywhere around the entrance, as a new driver I became flustered because I couldn't focus properly or see to make a left hand turn.

*Grace, Manchester, 2013*

I'm already upset to the point where I feel sick about this very difficult decision I have made. But I know it is the right decision for me and my family. I don't need old ladies waving Jesus and Mary and yelling harsh things at me. I believe in God too but never would I throw him in someone's face and wish them a lifetime of guilt and misery. I feel violated, harassed and intimidated that they were right at the entrance when I came to this health center. I deserve some space.

*Ashley, Manchester, 2014*

## Some Protester Activity Constitutes Obstruction, Intimidation and Harassment



During the "40 Days for Life" marathons, held 2 or 3 times per year, as many as 100 protesters line the streets and block patient traffic and access.

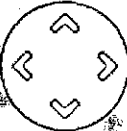


Top: Protesters in Manchester regularly take all the public parking spaces on Pennacook Street and gather in a crowd to obstruct vehicles from turning in to the parking lot.

Bottom: Protesters take photos of Planned Parenthood staff and post them on websites with their names and credentials.



Some protesters bring small children and stand and obstruct the entrance when patients try to enter the lot.



Map



Traffic

24.6  
100M

| CASE_ID  | ACTDATE             | STREETNBR | STREET       | NATURECODE | CSDISPOSIT |
|----------|---------------------|-----------|--------------|------------|------------|
|          | 03/14/2013 00:00:00 | 24        | PENNACOOK ST | CKAREA     | SAS        |
|          | 03/28/2013 00:00:00 | 24        | PENNACOOK ST | DOC        | SAS        |
|          | 04/18/2013 00:00:00 | 24        | PENNACOOK ST | DOC        | SAS        |
|          | 05/02/2013 00:00:00 | 24        | PENNACOOK ST | PICKET     | SAS        |
|          | 06/21/2013 00:00:00 | 24        | PENNACOOK ST | ANIMAL     | SAS        |
|          | 07/18/2013 00:00:00 | 24        | PENNACOOK ST | HANGUP     | CAN        |
| 13012541 | 08/16/2013 00:00:00 | 24        | PENNACOOK ST | FIRE       | 102        |
|          | 10/07/2013 00:00:00 | 24        | PENNACOOK ST | CKVEH      | GOA        |
|          | 10/10/2013 00:00:00 | 24        | PENNACOOK ST | UNWTD      | SAS        |
|          | 10/17/2013 00:00:00 | 24        | PENNACOOK ST | PICKET     | SAS        |

# TITLE LXII CRIMINAL CODE

## CHAPTER 644 BREACHES OF THE PEACE AND RELATED OFFENSES

### Section 644:2-b

#### **644:2-b Prohibition on Funeral Protests. –**

I. In this section, "funeral" means the ceremonies, processions, and memorial services held in connection with the burial or cremation of the dead.

II. It shall be unlawful for any person to engage in picketing or other protest activities at any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral, if such picketing or other protest activities:

(a) Take place within 150 feet of a road, pathway, or other route of ingress to or egress from cemetery property and include, as part of such activities, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral, memorial service, or ceremony; or

(b) Are within 300 feet of such cemetery and impede the access to or egress from such cemetery.

III. Each day on which a violation of this section occurs shall constitute a separate offense. Violation of this section is a class B misdemeanor, unless committed by a person who has previously pled guilty to or been found guilty of a violation of this section, in which case the violation is a class A misdemeanor.

**Source.** 2007, 370:2, eff. Sept. 15, 2007.



# TITLE LXIII ELECTIONS

## CHAPTER 659 ELECTION PROCEDURE

### Prohibited Acts

#### Section 659:43

##### **659:43 Distributing Campaign Materials at Polling Place. –**

I. No person who is a candidate for office or who is representing or working for a candidate shall distribute or post at a polling place any campaign material in the form of a poster, card, handbill, placard, picture, or circular which is intended to influence the action of the voter within the building where the election is being held.

II. No person who is a candidate for office or who is representing or working for a candidate shall distribute any campaign materials or perform any electioneering activities or any activity which affects the safety, welfare and rights of voters within a corridor 10 feet wide and extending a distance from the entrance door of the building as determined by the moderator where the election is being held.

III. Whoever violates any of the provisions of this section shall be guilty of a violation.

IV. (a) Whoever violates any of the provisions of this section shall be subject to a civil penalty not to exceed \$1,000.

(b) The court, upon petition of the attorney general, may levy upon any person who violates the provisions of RSA 659:43 a civil penalty in an amount not to exceed \$1,000 per violation. All penalties assessed under this paragraph shall be paid to the secretary of state for deposit into the general fund.

(c) The attorney general shall have authority to notify suspected violators of this section of the state's intention to seek a civil penalty, to negotiate, and to settle with such suspected violators without court action, provided any civil penalty paid as settlement shall be paid to the secretary of state for deposit into the general fund.

**Source.** 1979, 436:1. 1987, 354:1. 2004, 50:1, eff. June 1, 2004. 2009, 144:223, eff. July 1, 2009.

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**From:** Erin Sawicki [mailto:erin.m.sawicki@gmail.com]

**Sent:** Tuesday, February 04, 2014 9:27 AM

**To:** Carson, Sharon; Soucy, Donna; Boutin, David; Lasky, Bette; samuel.cataldo@leg.state.nh.us

**Subject:** Please Support Senate Bill 319

Dear Senate Judiciary Committee,

My name is Erin Sawicki and I am the site manager of the Planned Parenthood Health Center in Manchester, NH. I was at the hearing for the buffer zone on Tuesday, January 28th but did not testify due to concerns for my personal safety. After hearing the testimony of others, I wanted to find a way to express my firsthand experience to the Committee members.

Employees PPNNE located in Manchester, NH often feel intimidated and threatened when they are entering and exiting their place of employment. Protesters outside the health center take pictures of employees' vehicles, license plates, and the employees themselves. Protesters have followed staff home. Protesters have made comments about employees' family members, which makes employees feel that protesters are watching their comings and goings so intently that they know about employees' personal lives. A buffer zone would help to prevent the protesters from getting close enough to identify employees and would create a safe passageway for employees to enter and leave work.

Patients of PPNNE in Manchester, NH have reported feeling "blocked" as they attempt to enter the driveway to the health center. There are often so many people walking with large signs, shrines and displays that the entrance becomes very difficult to navigate.

This kind of congestion combined with the intimidating, harassing, and demeaning comments made by the protesters leave patients feeling extremely upset and scared before their appointments. Many times patients will tearfully talk to the counselors at PPNNE about their experiences just trying to get into the building. When they are at their most vulnerable, patients are preyed upon when they enter and again when they exit. Protesters will come right up to the windows of cars and often times patients report not being able to see pedestrians or vehicles coming by and are afraid they will hit a car or a person because they are physically and mentally distracted by the protesters. As the driveway is temporarily blocked while protesters gather to yell at the patients as they leave, this gives some of the more aggressive protesters enough time to get in the faces of patients. Some common phrases used by the protesters to invoke fear and intimidation are "you will pay!", "you're going to hell!", "murderer!" and "killing your baby!". These types of statements are far from the "silent prayer" and "sidewalk counseling" the protesters claim to be doing. Even after patients ask the protesters to leave them alone, the protesters do not stop with their incessant and unwanted "counseling".

Some safety issues have come up for us in Manchester as a direct result of the increase in protester activity. Recently we had someone enter the health center to preach to the staff, causing an enormous amount of fear for the staff in the building. Over the summer and early fall of 2013, there was such a problem with protesters crossing into our property that we painted an orange line to demarcate where they were not allowed to enter onto

private property. One protester sprinkled some liquid onto our property which she claimed was "holy water". One protester made threatening statements that included the fact that he thought our health center should be bombed. This threat has led us to increase our security dramatically, hire a police detail to monitor protester activity, and has involved the cooperation of the FBI. The exhaustive documentation and descriptions of who enters the health center and when they are here, has led to a fear that the safety and privacy patients, staff, and visitors to the health center are at risk.

If the protesters are made to stand back 25 feet, they will not be able to block the entrance to the driveway when a patient approaches, they will not be able to easily identify patients, staff, and visitors as they enter the health center, patients will be able to avoid coming within an arm's length of the protesters if they prefer not to talk to them, and it will create a zone free of congestion and distraction to allow drivers and pedestrians to enter the health center safely. The current laws against disorderly conduct and the FACE law are not sufficient to protect the patients, staff, and visitors of PPNNE in Manchester from all of these concerns.

Thank you for considering my testimony as reason to support this bill.

Best,  
Erin Sawicki  
Brookline, NH

-----Original Message-----

From: amy [mailto:mommymash@live.com]

Sent: Wednesday, February 12, 2014 3:57 PM

To: Carson, Sharon; Soucy, Donna; Boutin, David; Lasky, Bette;  
sam.cataldo@leg.state.nh.us

Subject: Your Support For Senate Bill 319

Dear Senate Judiciary Committee,

I write to you today to ask that you support Senate Bill 319, which would protect patient access to reproductive health care facilities in New Hampshire and offer patients a small buffer zone when entering such clinics.

The New York Times recently published a piece ([http://www.nytimes.com/2014/01/13/us/where-free-speech-collides-with-abortion-rights.html?\\_r=0](http://www.nytimes.com/2014/01/13/us/where-free-speech-collides-with-abortion-rights.html?_r=0)) titled "Where Free Speech Collides With Abortion Rights," which is a frustrating misnomer because free speech really has nothing to do with abortion rights. Protest and abortion exist side-by-side, but the issue of free speech in regards to abortion is a red herring being used in an attempt for protestors to garner sympathy and make themselves appear as downtrodden underdogs being bullied and harassed.

I worked for three and a half years in a New Hampshire Planned Parenthood health center that performs abortions one day a week out of the six days they're open. In my time there I saw protestors of all types: quiet ones who calmly paced the sidewalk and prayed with rosaries in their hands, young ones leading youth groups and loudly trumpeting their dedication to their cause, older ones who had been doing it so long we all knew them by name, obsessive ones who knew US by name and photographed us, our cars, and our children, creepy ones who set up shrines, aggressive ones who yelled at women from the moment their car doors opened to the moment the office door closed, and even a celebrity protester-- Lila Rose, of "Live Action" notoriety, once stopped by with a bus full of supporters and stood outside to give a short speech about how we were murderers, abusers, an evil force to be stopped.

This is, unfortunately, par for the course in any medical office that performs abortions of any kind.

Abortion protesters have the legal right to fight for what they think is right, and that's how it should and must be. I may disagree with them, but the concept of taking away their right to protest is a disturbing one because it carries consequences for all of us. We all deserve the right to protest and take a public stand for what we believe in, and we SHOULD ALWAYS

HAVE THAT RIGHT. However, there's a strong difference between protest, and harassment and intimidation.

A lawyer for protestors in Boston in a case that's being heard by the Supreme Court states that by allowing employees but not protestors into buffer zone areas-- "The sidewalks are open for speakers on one side but not speakers on the other side." This is an inaccurate depiction of the goal of clinic employees, as they aren't there to speak or argue "for" or "against" anything. Abortion rhetoric isn't a contest with special prizes for one side.

Working in a reproductive health clinic like Planned Parenthood is about providing information; it's about offering women the best options for family planning and birth control, the best options on how to protect against and test for diseases, and if and when a woman needs it-- information about abortion.

I've worked with dozens and dozens of women scheduled for abortion appointments. The first step in the process-- no matter what-- is education. Women and their partners or support persons (a friend or family member) are told about all of the risks and benefits of abortion, either medical (the abortion pill) or surgical. They're told about possible side effects and the recovery involved. They're told about any followup they may need, and about how to get help if they need it. They're given options for contraception. They are given the benefit of what's called "informed consent," which means making sure an individual fully understands the risks and benefits of something before they consent to it, has the chance to ask any and all questions and is able to trust that they are being answered accurately and honestly, and is able to easily decide against moving forward if the given information leaves them with any reason to choose to not consent.

In my time working with patients at Planned Parenthood there were sometimes women who decided, once given all the information available to them, that they did not consent to having an abortion. For whatever reason, these women decided that the best choice for themselves and their families was to continue their pregnancy. It wasn't my job to find out WHY these women chose to go home without having an abortion; it was my job to make sure they went home with the information they needed. Information about early prenatal care and local prenatal care providers; information about adoption; information about how to get state assistance for low-income and/or uninsured women.

Planned Parenthood employees, and employees in any medical center that performs abortion, aren't there to talk people into things, trick people, or confuse people. They certainly aren't there to intimidate.

On the other hand, sidewalk abortion protestors have one goal, and only one goal: to intimidate, harass, confuse, and attempt to talk women out of a decision the protestor has deemed wrong. They aren't there to provide accurate information; their goal is to use any tactic necessary-- intimidation, bullying, emotional abuse, sometimes straight out lies-- to force women into choosing what the protestor think is best for them. Many patients that I worked with-- along with their friends, partners, and family members-- expressed to me that they were offended, angered, and in some cases made to feel afraid of the herd of protesters outside the building. Some called the office and asked if there was a back entrance so they wouldn't have to drive through the groups that gathered on each side of the entrance to our parking lot. Some walked into the office in tears at being called murderers, shaking and saying "They don't even know me." Some were just angry and couldn't understand why it was okay for those people to flank the entrance like that in order to intimidate people.

In an ideal world no woman would be called a whore, a murderer, a misled victim, for walking into a reproductive health center for birth control, cancer screenings, STI testing, pregnancy testing, or abortion. The constitutional right to freedom of speech, and the right to protest, means that women will be-- and are-- called these things every single day. There is, unfortunately, no avoiding it. Freedom of speech in regards to abortion is not in danger of being limited and never has been.

However, giving a woman a small amount of space when she enters a reproductive health clinic should be an automatic right. A small twenty five foot buffer zone as proposed in Senate Bill 319 does not mean women won't hear protestors, won't understand their message, and won't be aware of them. It only means that for a few seconds while they walk into the office that they will have some some distance from the vitriol, and a semblance of safe physical space around them. Personal space that can't be infringed on, space that means nobody can get in their face, shove disturbing and often inaccurate information at them, and bully them while they're trying to park their cars or open the door to a building they're trying to enter.

Buffer zones aren't about silencing "opposition." They're about offering some insulation, allowing people a small amount of space and privacy when walking into a doctor's office. Nobody has made a move to argue that abortion protestors shouldn't be allowed to protest, but many of us strongly believe that protestor access to patient entrances should be limited so that a line is drawn at scare tactics and bullying.

Buffer zones, by the way, help employees as well. Not because the employees have more chance to "brainwash!" patients, but because protestors strive to intimidate them as well in the hopes that they'll be bullied into not returning to work. The protesters at the clinic I worked in knew my name and yelled at me every time they saw me; it was bizarre and frightening to

have strangers yelling my name, asking about my daughter, asking why I was driving a different car that day. The safety of our employee lot only meant that depending on where I was parked, the protestors-- groups of anywhere between three and thirty or more-- were between five and twenty feet or so away from me. For me, five feet was too close. For patients who aren't used to dealing with these protestors, five feet is WAY too close. Five feet feels threatening and intimidating.

For protestors, the buffer zone proposed in Senate Bill 319 wouldn't mean no chance to speak one's mind, no chance to stand up for what one believes in. It would mean understanding that five feet IS too close, and that nobody-- male or female, STI screening patient or Pap smear patient, individual seeking information about abortion or employee-- deserves stalking and street harassment.

Ever.

Sincerely,  
Amy Mash  
Manchester NH

## Chroniak, Deborah

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**From:** Jerry Bergevin [jbergevin@myfairpoint.net]

**Sent:** Monday, February 10, 2014 3:05 PM

**To:** Boutin, David; Soucy, Donna; Carson, Sharon; Cataldo, Sam; Lasky, Bette

**Subject:** Please oppose SB 319

Hello Senators

Please oppose SB 319 as this bill needlessly impedes Peaceful Freedom of Prayer and Speech. Freedom of Religion & Speech are two of the foundations of our Republic.

Thank you

Jerry Bergevin



This email is free from viruses and malware because avast! Antivirus protection is active.

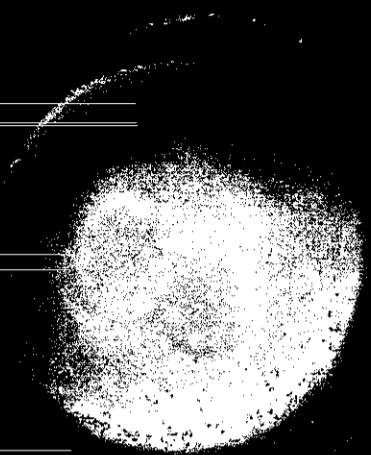




Watch me grow!



"I'm here!"

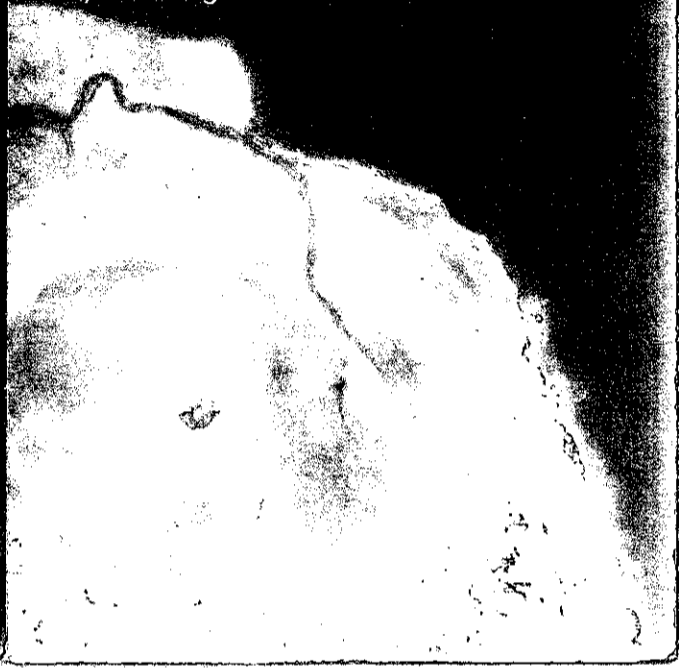


At the moment the nuclei of the father's sperm and mother's egg unite a new and unrepeatable human being comes into the world, complete with his or her own unique set of DNA. The new little person's sex is also determined from the beginning. This tiny human begins her life as a single cell gliding down the fallopian tube. In just a few days she will snuggle into the soft lining of her mother's womb where she will be nurtured for about nine months. After birth she will play a unique role within her own family and community — a role only she can fulfill. All she needs is time, nourishment and, most of all, love.



My heart started  
beating today!

During this first amazing month of life the baby grows to 10,000 times his size at conception. He is totally dependent upon his mother. Between mother and child lies the vital organ called the placenta. Here vessels from mother and baby intertwine without joining, highlighting this newly formed relationship - mutual, nourishing and deeply connected. By the third week the baby's tiny heart begins to beat.





"I'm dancing!"



The baby is making rapid progress developing all her external and internal organs. During this month baby teeth form and her fingers and toes are developing. Her ears, nose, lips and tongue can now be clearly seen. The skeleton changes from cartilage to bone and brain waves can be recorded. The central nervous system is now functioning and so forty muscle sets begin their first exercises. By 8 weeks all body systems are present and now the baby is called a "fetus" a Latin word meaning "little one". Ultrasound reveals that this little one can now spring and jump - her first dance steps!



"I can suck my thumb now!"

The baby now sleeps and awakens. Fingernails and toenails form and he already has his own unique set of fingerprints. Sensitive to touch, he will tightly grasp an object placed in the palm of his hand. He breathes amniotic fluid to help develop and strengthen the respiratory system, but he gets the oxygen he needs through the umbilical cord. He can also squint, swallow and move his tongue. In fact, early this month - at week 9 - he began to suck his thumb.





"I had a dream!"



The baby's brain has begun maturing – a process that will continue until she is about 14 years old. Her taste buds are now working. Nutrients consumed by her mother are passed on to her within an hour or two. Three hundred quarts of fluid a day are sent to the baby via the umbilical cord. Fine hair begins to grow on head, eyebrows and eyelashes. Facial expressions similar to the baby's parents can be seen at this time. This month REMs (rapid eye movements) have been recorded – a sign of dreaming.



"Mommy felt me kick!"

This month marks the half-way point to birth, and the baby is very active. Sleep habits develop and his mother can feel him move and stretch, particularly when she is resting. He is big and strong enough to kick hard against the outside uterine wall and dent it. Up to now, although he swam with ease in his watery world, he was too small for her to detect because the inside wall of the uterus has little feeling. Babies born at this age have survived.



Month  
"I'm fourteen inches!"

## "I'm sitting up straight now!"

The baby's oil and sweat glands are functioning; these help regulate body temperature. A white filmy layer covers the baby and protects her delicate skin from the surrounding amniotic fluid and from scratches as she twists and turns. This waxy substance will be quickly absorbed into her skin soon after she is born. She can now respond to sound. Her lungs are fairly well developed and she would stand a good chance of survival if born at this time.

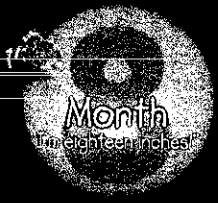


Month  
"I'm fifteen inches!"

## "I can look around!"

Beginning this month the baby uses all four senses. His eyelids open and close, and the eyes look around. The baby can hear, taste, touch, cough, yawn and hiccup. He now recognizes his own mother's voice. His grip is even stronger now than it will be after his birth. The hair on his head is growing longer and the downy covering on the rest of his body is disappearing. During this time the baby will receive antibodies from his mother providing him immunity to a wide variety of diseases.





Month  
"In eighteen inches!"

"I like to listen to my Mommy's voice!"



In the last two months the baby continues to gain weight. She is developing a layer of fat that will keep her warm after she is born. In the 9th month she will shift to a head-down position, preparing for birth. Her lungs are now fully developed and capable of making the transition to breathing air. After birth she will continue the human growth process for many years to come.



Month  
"In twenty inches!"

"Here I am!"



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# Milestones of Early Life



*How You Began  
Your Journey*



# Milestones of Early Life

At no time in your life does more growth and change occur than in the first nine months before birth. Here are the amazing milestones of that time in your life:

Day 1  
(14 days LMP)

Size of baby:  
→ 0  
.005 in.

**Conception:** Of the 200,000,000 sperm that try to penetrate the mother's egg cell, only one succeeds.<sup>2</sup> At that very moment, a new and unique individual is formed. All of the inherited features of this new person are already set — whether it's a boy or girl, the color of the eyes, the color of the hair, the dimples of the cheeks and the cleft of the chin. He or she is smaller than a grain of sugar, but the instructions are present for all that this person will ever become.

The first cell soon divides in two. Each of these new cells divides again and again as they travel toward the womb in search of a protected place to grow.<sup>3</sup>

Day 6-14  
(20-28 LMP)

→ 0  
.006 in.

The new individual at first attaches loosely to the wall of the womb, then burrows deeply and attaches securely to it over the next week. Sensitive pregnancy tests can now show positive, but this depends on the level of hormone produced by the new life. By the end of the second week, the mother's menstrual period is suppressed by this hormone (hCG) which is produced by her child.<sup>4</sup>

Day 17  
(31 LMP)

→ 0  
.008 in.

Blood vessels begin to form.<sup>4</sup> Remarkably, the future sex cells that will give rise to sperm or eggs for a new generation begin to group together - only 17 days after this new life is alive itself.<sup>5</sup>

18-20  
(32-34 LMP)

The foundations of the brain, spinal cord, and nervous system are laid.<sup>6</sup>

Day 21  
(35 LMP)

Size when the heart first beats:  
→ 0  
.03 in.

Day 26-27  
(40-41 LMP)

The heart begins to beat,<sup>7</sup> unsurely at first, gaining strength day by day. The heart beats 70 times per minute at first, reaching a maximum of 170-190 at seven weeks, and slowing a bit to 160-180 at 9 weeks.<sup>8</sup> A day later the eyes begin to develop. The earliest stages of the ears are now present.<sup>9</sup>

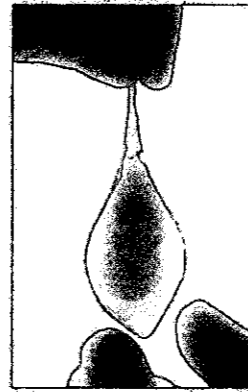


The lungs now begin to form.<sup>10</sup>

Day 28-32  
(42-46 LMP)

1/8 inch long

Two tiny arms make their appearance and budding legs follow two days later.<sup>11</sup> The beginnings of the mouth take shape.<sup>12</sup> The nose starts to develop.<sup>13</sup> The thyroid gland begins to grow. Blood flows in the baby's veins but stays separate from the mother's blood. The tongue now begins to form. The face now makes its first appearance.<sup>14</sup>



6 weeks (8 weeks LMP) ectopic pregnancy, Robert Wolfe

Day 35  
(49 LMP)

The baby's eyes develop their first color in the retina (see photo above, right).<sup>15</sup>

Day 40  
(54 LMP)

The baby makes her first reflex movements. Touching around the mouth with a fine bristle causes her to flex her neck.<sup>16</sup>

Day 41  
(55 LMP)

The fingers begin to form, followed by the toes a few days later.<sup>17</sup>

Day 42  
(56 LMP)

1/8 inch long

The baby develops nerve connections that will lead to a sense of smell. The brain is now divided into 3 parts — one to experience emotion and understand language, one for hearing and one for seeing.<sup>18</sup> Joints begin to form.<sup>19</sup> Mother now misses second period.

Day 44  
(58 LMP)

Buds of milk teeth appear. Facial muscles develop.<sup>20</sup> Eyelids begin to form, protecting the developing eyes.<sup>21</sup> Elbows take shape. Internal organs are present, but immature. 99% of muscles are present; each with its own nerve supply.<sup>22</sup>

Day 52  
(66 LMP)

1 inch long

Spontaneous movement begins. The baby then develops a whole collection of moves over the next 4 weeks including hiccupping, frowning, squinting, frowning the brow, pursing the lips, moving individual arms and legs, head turning, touching the face, breathing (without air), stretching, opening the mouth, yawning, and sucking.<sup>24</sup>



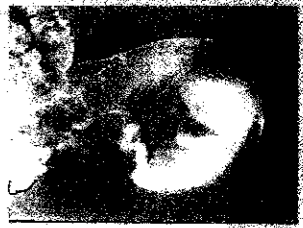
7 weeks (9 weeks LMP)

8 weeks  
(10 weeks LMP)

1 1/2 inch long  
.03 oz. in weight

Note: all lengths are GL or "greatest length" which does not include the legs

The baby is now well-proportioned, and about the size of a thumb. Every organ is present. The liver is making blood, the kidneys function, and the heart beats steadily. The skull, elbows, and knees are forming. Of the 4500 structures in the adult body, 4000 are already present.<sup>25</sup> The skeleton of the arms and legs and the spine begins to stiffen as bone cells are added.<sup>26</sup>



8 weeks (10 weeks LMP)

9 Weeks  
(12 weeks LMP)

1 1/2 inches long  
.6 oz. in weight

If prodded, the baby's eyelids and hands close. Genitalia that were forming in the 7th week now become visible, indicating whether it's a boy or girl. However, the doctor won't be able to tell by ultrasound until the 12th to 20th week. Early muscular movements begin. The thyroid gland turns on.<sup>27</sup>

10 Weeks  
(14 weeks LMP)

2 inches long  
.8 oz. in weight

Fingerprints begin their 7 week long formation. The fingernails begin to develop. The eyelids now fuse together until month 7, protecting the delicate eyes.<sup>28</sup> The number of connections between nerves and muscles has tripled since last week.<sup>29</sup>

11 Weeks  
(15 weeks LMP)

2 1/2 inches long  
1.4 oz. in weight

The baby now "practices" breathing, since she will have to breathe air immediately after birth. The baby urinates. Her stomach muscles can now contract.<sup>30</sup> Vocal chords and taste buds form.<sup>31</sup> She can make complex facial expressions and even smile.<sup>32</sup>



11 weeks (13 weeks LMP)

12 Weeks  
(16 weeks LMP)

3 inches long  
2 oz. in weight

Fine hair begins to grow on the upper lip and chin and eyebrows.<sup>33</sup> The baby swallows and responds to skin stimulation.<sup>32</sup>



12 weeks (14 weeks LMP)

13 Weeks  
(18 weeks LMP)

4 inches long  
3 oz. in weight

The face is prettier, and facial expressions may resemble the parents'. The baby is active, but mom doesn't feel anything yet.<sup>34</sup>

15 Weeks  
(19 weeks LMP)

A wild production of nerve cells begins and continues for a month. A second surge will occur at 25 weeks.<sup>35</sup>



14 weeks (16 weeks LMP)

4 months  
(18 weeks LMP)

5½ inches  
long  
5 oz.  
in weight

Nostrils and toenails become visible. The baby may suck her thumb, turn somersaults and has a firm grip. The ovaries of girls contain beginnings of eggs. She begins to develop sleeping habits.<sup>32</sup> At about 4½ months she is able to experience pain.<sup>36, 37</sup>

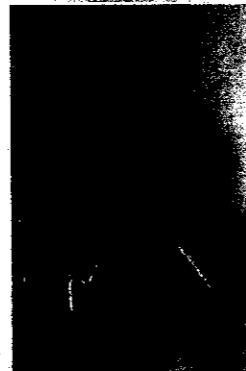


4 months (16 weeks)  
18 weeks LMP

5 months  
(22 weeks LMP)

7½ inches  
long  
14 oz.  
in weight

The testes descend in boys. Mom may feel the baby kick, turn or hiccup and may be able to identify a bulge as an elbow or head.<sup>38</sup> Each side of the brain has a billion nerve cells now.<sup>36</sup>



5 months (20 weeks)  
22 weeks LMP

6 months  
(26 Weeks LMP)

9 inches  
1 lb. 12 oz.  
in weight

The baby will be able to hear by next week.<sup>39</sup> The child sleeps and wakes, nestling in her favorite positions to sleep, and stretches upon waking up.<sup>40</sup>

7 months  
(30 Weeks LMP)

10½ inches  
3 lb. 5 oz.

The eyelids begin to reopen, preparing to see the outside world.<sup>41</sup> Eyelashes have now become well developed.<sup>42</sup>

8 months  
(34 Weeks LMP)

12 inches  
5 lbs.

Skin becomes pink and smooth. The pupils of eye respond to light. Fingernails reach to the tip of the finger.<sup>42</sup> The baby is really getting cramped now.

9½ months  
(40 Weeks LMP)

13 inches  
"Greatest  
Length" or  
about 20" all  
stretched out  
7½ lb.

The child triggers labor and birth occurs, an average of 264-270 days after conception.<sup>43</sup>

And not until the baby has gone through all these events on the inside can we see the new child on the outside.



Carnegie Developmental Stages, developed by Stroeber and O'Rahilly, are used universally to categorize the growth of the embryo into 23 stages during the first 8 weeks of life. Carnegie Stages are based on morphology - the form and structures within of the embryo. From embryo to embryo, the days required to get to each stage can vary slightly. Also, O'Rahilly has suggested some changes in the days relating to each stage due to in vivo ultrasound studies.<sup>43</sup> Selected differences as reported by O'Rahilly are detailed below.

**Primary References:**

- Carlson, B., Human Embryology & Developmental Biology, Toronto: Mosby Publication; 3rd edition, 2004.
- Moore, K. and Persaud, T., The Developing Human, Clinically Oriented Embryology, 6th Edition, Philadelphia: W.B. Saunders, 1998.
- O'Rahilly, R. and Muller, F., Human Embryology and Teratology, 3rd Edition, New York: John Wiley and Sons, Inc., 2001.
- Tsiaras, A. and Werth, B., From Conception to Birth, a Life Unfolds, New York: Doubleday, 2002.

1. Age in this brochure is given two ways: 1) days after fertilization or days from conception given by the top red number, and 2) days from last menstrual period, or LMP for short, given by the lower red number. Doctors use "LMP" because it is hard to know just when conception occurred. Here, we emphasize the age of the new life as it unfolds. Add 14 days to post-fertilization days to convert to the LMP days.
2. "Life Before Birth," Life Magazine, Apr. 30, 1965, p. 13. J. Moore, K. and Persaud, T., p. 37-45.
4. Moore, K. and Persaud, T., p. 42-48, 76. 5. O'Rahilly, R. and Muller, F., p. 23.
6. Mitchell, B. and Sharma, R., Embryology, New York: Churchill Livingstone, Dec. 2004, p. 4. Note: Carlson and Moore concur that the neural plate, fold and groove are forming around 18-20 days. O'Rahilly puts this at 24-25 days from in vivo ultrasound results.
7. Estimates vary for when the heart begins to beat: 21-22 days, Moore, K. and Persaud, T., p. 77; at least by 23 days from transvaginal ultrasound results, O'Rahilly, R. and Muller, F., p. 183; 21-22 days, Carlson, B., p. 117; 18 days, Tennar, J. and Taylor, G. and the editors of Time-Life Books, Growth, New York: Life Science Library, 1985, p. 64 (a 40 year old source).
8. O'Rahilly, R. and Muller, F., p. 183.
9. Carlson, B., p. 292, 308. O'Rahilly, p. 456, 471 puts the appearance of the eye at about 28 days.
10. Moore, K. and Persaud, T., p. 259.
11. Moore, K. and Persaud, T., p. 435-437. O'Rahilly, R. and Muller, F., p. 382 place this at 30 days, Carlson, B., p. 211 at 4 weeks.
12. O'Rahilly, R. and Muller, F., p. 235-236, Carlson, B., p. 321-323.
13. Moore, K. and Persaud, T., p. 236-242. Tsiaras, A. and Werth, B., p. 88.
14. O'Rahilly, R. and Muller, F., p. 346-348, 183, 236, 107. Tsiaras, A. and Werth, B., p. 102.
15. O'Rahilly, R. and Muller, F., p. 459.
16. O'Rahilly, R. and Muller, F., p. 429. Carlson, B., p. 267-271.
17. Moore, K. and Persaud, T., p. 437. 18. Tsiaras, A. and Werth, B., p. 102, 114, 119.
19. Moore, K. and Persaud, T., p. 408-411.
20. O'Rahilly, R. and Muller, F., p. 238. Tsiaras, A. and Werth, B., p. 102.
21. Moore, K. and Persaud, T., p. 502. O'Rahilly, R. and Muller, F., p. 238.
22. Tsiaras, A. and Werth, B., p. 140.
24. Carlson, B., p. 483, 484. Tsiaras, A. and Werth, B., p. 199, 200.
25. Tsiaras, A. and Werth, B., p. 178, 183, 185. O'Rahilly, R. and Muller, F., p. 87.
26. Moore, K. and Persaud, T., p. 409-414.
27. Moore, K. and Persaud, T., p. 333. Tsiaras, A. and Werth, B., p. 203, 206. Carlson, B., p. XIV.
28. Moore, K. and Persaud, T., p. 514, 519. 29. Tsiaras, A. and Werth, B., p. 206. 30. Carlson, B., p. 482, XIV.
31. Tsiaras, A. and Werth, B., p. 210, Moore, K. and Persaud, T., p. 234.
32. Valman, H. and Pearson, J., "What the foetus feels." British Medical Journal, January 26, 1980.
33. Moore, K. and Persaud, T., p. 517. 34. Tsiaras, A. and Werth, B., p. 219.
35. O'Rahilly, R. and Muller, F., p. 156.
36. Anand, K. and Hickey P., "Pain and Its Effects in the Human Neonate and Fetus." The New England Journal of Medicine, (1987) 317:1321-1329. Pain at 20 weeks, perhaps as early as 18 weeks.
37. Anand, K., Report to U. S. Federal Court as expert witness January 15, 2004.
38. Tsiaras, A. and Werth, B., p. 229, Carlson, B., p. XV.
39. O'Rahilly, R. and Muller, F., p. 413. 40. Tsiaras, A. and Werth, B., p. 235.
41. Carlson, B., p. 305. 42. Carlson, B., p. XV.
43. O'Rahilly, R. and Muller, F., p. 88-82. Birth occurs at about 38 weeks post-fertilization or 40 weeks LMP. The average from ovulation to parturition is about 264-270 days and the range about 250-285.
44. Measurements and weights from: O'Rahilly, R. and Muller, F., p. 491. Lengths of the baby are given in GL or Greatest Length, which excludes the limbs. GL closely follows CR or crown to rump measurements, but can also be used for very young embryos. GL is also the measurement used in ultrasonography.

**For more information:**

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# HOW AT RISK ARE YOU?



To figure your risk of exposure  
to HIV or other Sexually  
Transmitted Diseases, write  
in the box below the total  
number of sexual partners

You have had:

*(See inside for Risk Factor)*










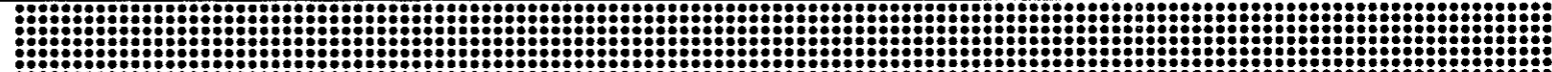
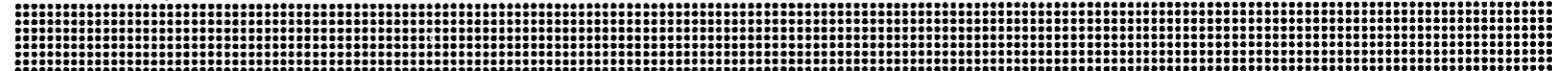



# SEXUAL EXPOSURE CHART

Number of Sexual Partners

(if every person has only the same number of partners as you)

Number of People Exposed to

|    |  |      |
|----|--|------|
| 1  |     | 1    |
| 2  |     | 3    |
| 3  |    | 7    |
| 4  |    | 15   |
| 5  |    | 31   |
| 6  |    | 63   |
| 7  |    | 127  |
| 8  |   | 255  |
| 9  |  | 511  |
| 10 |  | 1023 |
| 11 |  | 2047 |
| 12 |  | 4095 |

"When you have sex with someone, you are having sex with everyone they have had sex with for the last ten years, and everyone they and their partners have had sex with for the last ten years."

C. Everett Koop, M.D., Former U.S. Surgeon General

"Many teenagers, as well as adults, are indirectly exposed to more than one sexual partner each year because their partner has had sex with someone else."

Alan Guttmacher Institute

# The Risks:

More than 65 million people in the United States are currently living with an incurable STD.

Each year an additional 19 million people (over 50,000 a day!) become infected with an STD. Many of these will be lifelong infections.

## Estimated number of new cases annually:

|  |                                |
|--|--------------------------------|
| <b>Chlamydia</b>                         | <b>2.8 million<sup>+</sup></b> |
| <b>Gonorrhea</b>                         | <b>700,000<sup>+</sup></b>     |
| <b>Hepatitis B</b>                       | <b>38,000<sup>+</sup></b>      |
| <b>HIV (virus causing AIDS)</b>          | <b>50,000<sup>+</sup></b>      |
| <b>Human Papillomavirus (HPV)</b>        | <b>6 million<sup>+</sup></b>   |
| <b>Pelvic Inflammatory Disease (PID)</b> | <b>750,000<sup>1</sup></b>     |
| <b>Syphilis</b>                          | <b>36,000<sup>+</sup></b>      |
| <b>Trichomoniasis</b>                    | <b>7.4 million<sup>+</sup></b> |

1. The estimated number of women who annually experience an episode of acute PID.

### Sources:

- Centers for Disease Control, Division of STDs, accessed December 2011. Available at: [www.cdc.gov](http://www.cdc.gov)
- National Institute of Allergy and Infectious Diseases, accessed December 2011. Available at: [www.niaid.nih.gov](http://www.niaid.nih.gov)

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is no sex  
until faithful  
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# Abortion buffer zone debated

## Sides argue for safety, 1st Amendment rights

By KEVIN LANDRIGAN

Staff Writer

CONCORD - Abortion rights supporters and opponents squared off Tuesday over whether to mandate a 25-foot buffer zone for protesters at abortion clinics in the state.

State Sen. Donna Soucy, D-Manchester, said she advanced her bill, SB 319, after receiving complaints of intimidation and harassment from staff and clients at Planned Parenthood of Northern New England clinics in the state. The measure is patterned after a 35-foot buffer that exists in Massachusetts state law.

"This legislation is about public safety and balance," Soucy told the Senate Judiciary Committee.

The U.S. Supreme Court heard oral arguments earlier this month on a challenge to the Massachusetts buffer zone law from abortion opponents, who said it was too restrictive. In 2000, the nation's highest court upheld a Colorado law that prohibited anyone from approaching within 8 feet of a person going to or coming out of abortion clinic.

The measure has heavy-weight support from both political parties in the Republican-controlled Senate, including Major-

ity Leader Jeb Bradley, R-Wolfeboro, who is a co-sponsor, along with Sen. Nancy Stiles, R-Hampton.

"It's a safety issue, not an abortion issue," Stiles said.

But state Rep. Kathleen Souza, R-Manchester, and other anti-abortion activists said the bill was an overreach and violation of the First Amendment rights aimed at preventing those opposed to legal abortions from expressing themselves.

The testimony focused largely upon the Planned Parenthood clinic on Penacook Street in Manchester, where protests are held outside the building most Thursdays, the day of the week when abortions are performed there.

"Neighbors don't like what we are doing, even though we are just praying," Souza said. "Violence does not exist."

Souza noted that on one occasion she had a car window blown out by a pellet gun and that abortion activists have ripped up opposing signs and verbally accosted protesters.

Sen. Bette Lasky, D-Nashua, asked Souza why it wasn't reasonable to keep protesters at least 25 feet away from any entrance, exit or parking lot

of the clinics.

"People don't want people in their faces," Lasky said. "You could beckon someone and do it outside of their buffer zone. That gives them some safety."

Ellen Kolb, legislative lobbyist for Cornerstone Action, New Hampshire, had urged opponents to pack the hearing and oppose the measure.

"This bill is a direct infringement on our first amendment right to protest," Kolb wrote in an email alert. "The infringement is also aimed directly at those who sacrifice to defend the lives of the unborn. Please come and stand with us against those who look to dismantle the values we stand upon."

The legislation gives any violator one verbal warning before a civil fine of at least \$100 can be issued for a subsequent offense. It also permits state prosecutors to seek an injunction to prevent any such violations from occurring in the future.

The bill's preamble sets out what supporters claim is the reason for the buffer zone.

"Recent demonstrations outside of reproductive health care facilities have caused patients and employees of these facilities to believe that their safety and right to privacy are threatened," the bill reads. "Recent demonstrations outside of reproductive health care facilities have resulted in the fear and intimidation of residents and patrons seeking to enter or leave their homes or other private businesses adjacent to the reproductive health care facilities."

Conservative lawyer and

former House Counsel Ed Mosca wrote in an opinion piece Tuesday that the buffer zone in the bill was a blatant violation of free-speech rights.

"Let's say a mother finds out at the last minute that her daughter is on her way to Planned Parenthood for an abortion. Mother drives to the abortion clinic to talk about it with daughter; it's illegal for mother to wait for daughter, let alone even talk to her, within 25 feet of Planned Parenthood," Mosca wrote. "Let's say someone wants to stand in place twenty feet from Planned Parenthood holding a poster about abortions, or stand fifteen feet away and offer literature to passers-by. Both are illegal under SB 319."

Kevin Landrigan can be reached at 321-7040 or klandrigan@nashua-telegraph.com. Also, follow Landrigan on Twitter (@Klandrigan).

*The  
Telegraph  
1-29-14*

# Committee Report

## JUDICIARY

SB 319-FN, relative to access to reproductive health care facilities.

**MAJORITY: OUGHT TO PASS WITH AMENDMENT.**

**MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charlene F Takesian for the **Majority** of Judiciary. The majority of the Committee believes that this legislation supports the privacy and dignity of patients, promotes public safety in communities where reproductive health facilities that provide abortion are located, and protects the rights of free speech for those who oppose abortion. The bill balances the right to seek and obtain health care in a safe and private manner with the right to assemble and demonstrate with opposing views or offer "sidewalk counseling" on public property. As amended, reproductive health care facilities will consult with the relevant local officials to craft protective buffers zones of up to 25 feet appropriate for the particular site and develop the signage necessary to enforce such a zone tailored to the specific requirements of each site. The committee heard nearly four hours of testimony indicating that while not all protestors use objectionable tactics, the sidewalks surrounding reproductive health centers are often contentious and present threats to the safety of patients, their family members, the protesters and the general public. Citizens use the services of these reproductive health care facilities for many reasons, while the protestors assume that those entering the facility are entering for one reason – to undergo a legal procedure that is objectionable to the protestor. There are currently no legal protections or restrictions that prevent a protestor from getting right in the physical space of a patient walking on a sidewalk or trying to access an entrance to a health center. There is constitutional precedent where the US Supreme Court has recognized the right to be left alone, specifically when entering or exiting a reproductive health facility. The committee was sensitive to the first amendment rights of all citizens in its deliberations on this bill. We tried to honor both free speech rights of the protesters and the right to privacy of those using the services. This bill is narrowly tailored to ensure that competing rights are protected. This legislation was developed with input from law enforcement and municipal officials in Manchester and Concord who currently have no tools to proactively maintain public order. Having clarity about boundaries will help law enforcement balance everyone's rights. **Vote 12-7.**

Rep. Robert H. Rowe for the **Minority** of Judiciary. We must protect the rights of all. This bill will be state wide and apply to all abortion clinics and abutting properties in communities throughout the state. The bill prohibits a person from knowingly entering or remaining on a public way or sidewalk adjacent to a reproductive health facility that conducts abortions within a radius of up to 25 feet of the entrance, exit, or driveway of the clinic. This bill affects the legal rights of citizens desiring an abortion, those in opposition, the clinic, the property abutters, the municipalities and the general traveling public. In an urban or residential area, the up to 25 foot prohibited public area would very likely include signage that could be placed in front of abutting property and interfere with abutting property owners' full use of the property. The amended bill allows the clinic the right to set the distance up to 25 feet with signage that may be placed in front of abutter land or public property after consulting with local authorities. Prior to the zone being set



the clinic is required to prepare a plan and then submit it to municipal authorities. The amended bill does not require that the municipality give notice to abutters and the public then hold a public hearing. Notice and hearings are important as the plan may affect the abutter's reasonable use of their property. The bill protects private for-profit and not-for-profit professional reproductive health care facilities that conduct abortions, except hospitals. It makes no difference what the citizen's intention is in entering or remaining in the restricted area; it is prohibited, unless you are a public official or an invitee or employee or just passing through the area to another destination. While the Minority is sympathetic to the wants of both citizens seeking abortions and those that find that abortions are contrary to their religious or personal beliefs, the bill goes too far in relationship to property and personal rights. It is an all-sweeping prohibition. It doesn't reflect the real property location of the facilities – rural or urban, the size of the facility such as one small building or a large multi tenant building, the surrounding properties, the needs of residential and commercial abutters, or the intent of the pedestrian. If the clinic is open and you linger, you are in violation. The prohibition exists even on days when abortions are not being conducted. The minority does not see this as an abortion bill but rather the need to carefully balance the rights for all. Both sides of this issue must recognize that there are citizen rights involved. Abortions are legal. A woman has a right to obtain one; to have freedom from intimidation, harassment, being threatened and violent confrontations. On the other side, citizens have the right to assemble, free speech, and religious freedom. All of these, and others, are current law. This bill must balance these and other rights that both sides of this issue have. The committee heard less than four hours of testimony; passionate and sincere, but none addressed facts such as: How many clinics are there? Where are they located? How many complaints have been made to the local authorities? What are the neighborhoods like? How will the up-to 25 foot no-linger zone affect abutters? One witness, who lives across from the Manchester clinic, stated that this bill would push any protesters to the sidewalk at his house where his daughter rides her bike. Before a no linger zone is imposed at the request of a private organization we should insure notice is given to abutters and a hearing held. The minority believes that all this law will do is move protesters further back, in front of homes and businesses, and sing, and pray louder and hold larger signs, or just walk back and forth through the restricted area to another location, or park cars in front of the center with signs in their cars – this is allowed. We are legislators and there is clearly an issue here. We should ignore partisan pressure and lobby groups on both sides and craft a well-drafted law that is moderately acceptable to both sides and in keeping with the statutory and constitutional rights of all. Currently the United States Supreme court is hearing an appeal from Massachusetts on the same subject. Lastly, what about other commercial establishments that may be protested, can the owners use this as a precedent to establish a no access zone on public sidewalks and rights of way. It is unfortunate that no time was given for a legal analysis. There is case law on this subject relating to protest groups such as union picket lines being allowed to utilize the public way in front of the public and private buildings of the organization being picketed. The court has declared that union picketers have a right to use public property in picketing so long as the picketers do not impede access to the business they are protesting.

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: February 13, 2014

THE COMMITTEE ON Judiciary  
to which was referred Senate Bill 319-FN

AN ACT                   relative to access to reproductive health care facilities.

Having considered the same, the committee recommends that the Bill:

**IS INEXPEDIENT TO LEGISLATE**

BY A VOTE OF:   3 - 2

Senator Sam Cataldo  
For the Committee

Susan Duncan 271-3076

## New Hampshire General Court - Bill Status System

**Docket of SB319**

Docket Abbreviations

**Bill Title:** relative to access to reproductive health care facilities.*Official Docket of SB319:*

| <b>Date</b> | <b>Body</b> | <b>Description</b>   |
|-------------|-------------|--|
| 12/17/2013  | S           | <b>Introduced</b> 1/8/2014 and Referred to Judiciary   |
| 1/23/2014   | S           | Hearing: 1/28/14, Room 100, SH, 9:55 a.m.; <b>SC4</b>  |
| 2/13/2014   | S           | Committee Report: Inexpedient to Legislate, 2/19/14; <b>SC7</b>  |
| 2/19/2014   | S           | Special Order SB 319 to the end of the Commerce Committee, Without Objection, MA; <b>SJ 5</b>            |
| 2/19/2014   | S           | Sen. Cataldo Moved Laid on Table, <b>RC 10Y-14N, MF; SJ 5</b>  |
| 2/19/2014   | S           | Inexpedient to Legislate, <b>RC 10Y-14N, MF; SJ 5</b>  |
| 2/19/2014   | S           | Sen. Soucy moved Ought to Pass   |
| 2/19/2014   | S           | Ought to Pass: <b>RC 15Y-9N, MA; OT3rdg</b>  |
| 3/13/2014   | H           | Introduced and Referred to Judiciary   |
| 3/19/2014   | H           | Public Hearing: 4/1/2014 2:30 PM LOB 208   |
| 3/19/2014   | H           | ===CANCELLED=== Public Hearing: 4/1/2014 2:30 PM LOB 208   |
| 4/9/2014    | H           | Public Hearing: 4/22/2014 10:00 AM LOB 208   |
| 4/15/2014   | H           | ==REVISED== Public Hearing: 4/22/2014 10:30 AM LOB 208   |
| 4/23/2014   | H           | Executive Session: 4/30/2014 12:00 PM or at lunch break from session LOB 208=RECESSED=                   |
| 4/30/2014   | H           | Continued Executive Session: 5/6/2014 10:00 AM   |
| 5/8/2014    | H           | Majority Committee Report: Ought to Pass with Amendment <b>#2014-1720h</b> (Vote 12-7; RC); <b>HC 35</b> |
| 5/8/2014    | H           | Minority Committee Report: Inexpedient to Legislate  |
| 5/15/2014   | H           | Amendment <b>#2014-1720h</b> AA VV   |
| 5/15/2014   | H           | Floor Amendment <b>#2014-1833h</b> (Rep Itse) MF <b>RC 105-179</b>                                       |
| 5/15/2014   | H           | Floor Amendment <b>#2014-1839h</b> (Rep Groen) MF <b>RC 79-209</b>                                       |
| 5/15/2014   | H           | Limit Debate to 30" per side (Rep Shurtleff)   |
| 5/15/2014   | H           | Amend to Limit Debate to 5" per speaker (Rep C. McGuire) MF Div 110-176                                  |
| 5/16/2014   | H           | Amend to Limit Debate to 4" per speaker (Rep. Baldasaro)   |
| 5/16/2014   | H           | Previous Question (Rep G. Richardson)  |
| 5/16/2014   | H           | Lay SB319 on Table (Rep Jones) MF <b>RC 117-174</b>  |
| 5/16/2014   | H           | Previous Question; MA <b>RC 231-61</b>   |
| 5/16/2014   | H           | Uphold Ruling of the Chair; MA <b>RC 192-99</b>  |
| 5/16/2014   | H           | Rep Baldasaro Amendment to Limit Debate to 4"; MF <b>RC 144-147</b>                                      |
| 5/16/2014   | H           | Limit Debate to 30" (Rep Shurtleff) MF <b>RC 143-150</b>   |
| 5/16/2014   | H           | Lay Bill on Table (Rep Jasper) MF <b>RC 86-152</b>   |
| 5/16/2014   | H           | <b>Ought to Pass with Amendment #1720h</b> MA <b>RC 162-100</b>  |

|           |   |   |
|-----------|---|---|
| 5/16/2014 | H | Reconsideration (Rep Shurtleff) MF 94-169   |
| 5/22/2014 | S | Sen. Carson Moved Nonconcur with House Amendment #1720h; Requests C of C, MF, DIV 10Y-13N; <b>SJ 14</b> |
| 5/22/2014 | H | Enrolled (In recess of 5/15/14)   |
| 5/22/2014 | S | Sen. Soucy Moved Concur with House Amendment #1720h, MA <b>RC 14Y-9N</b> ; <b>SJ 14</b>                 |
| 5/22/2014 | S | Sen. Bradley Moved Reconsideration on Concurrence with House Amendment #1720h, MA, VV; <b>SJ 14</b>     |
| 5/22/2014 | S | Concur, MA <b>RC 14Y-9N</b> ; <b>SJ 14</b>  |
| 5/22/2014 | S | Sen. Bradley Moved Reconsideration on Concurrence with House Amendment #1720h, MA, VV; <b>SJ 14</b>     |
| 5/22/2014 | S | Concur, MA <b>RC 13Y-10N</b> ; <b>SJ 14</b>   |
| 5/28/2014 | H | Enrolled (In recess of 5/15/14)   |
| 5/28/2014 | S | Enrolled  |

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 NH House

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 NH Senate
 

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# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

ORIGINAL REFERRAL                       RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S)      (4)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

|  |  |
|--|--|
| <input checked="" type="checkbox"/> - AMENDMENT # <u>0483s</u> | <input checked="" type="checkbox"/> - AMENDMENT # <u>1839h</u> |
| <input checked="" type="checkbox"/> - AMENDMENT # <u>1720h</u> | <input checked="" type="checkbox"/> - AMENDMENT # <u>1833h</u> |

ALL AVAILABLE VERSIONS OF THE BILL:

|   |   |
|---|---|
| <input checked="" type="checkbox"/> AS INTRODUCED | <input type="checkbox"/> AS AMENDED BY THE HOUSE  |
| <input checked="" type="checkbox"/> FINAL VERSION | <input type="checkbox"/> AS AMENDED BY THE SENATE |

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

House Calendar "clerks"; articles

DATE DELIVERED TO SENATE CLERK

5/29/14

By:

Susan Hancock  
COMMITTEE AIDE