

ANTI-REPRODUCTIVE- RIGHTS CRIMES



**IN
CALIFORNIA**

2005



Bill Lockyer, Attorney General
California Department of Justice
Division of California Justice Information Services
Bureau of Criminal Information and Analysis
CRIMINAL JUSTICE STATISTICS CENTER

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CALIFORNIA DEPARTMENT OF JUSTICE

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The role of the **CRIMINAL JUSTICE STATISTICS CENTER** is to:

- Collect, analyze, and report statistical data which provide valid measures of crime and the criminal justice process.
- Examine these data on an ongoing basis to better describe crime and the criminal justice system.
- Promote the responsible presentation and use of crime statistics.

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Senate Bill 780, effective January 1, 2002, enacted two new laws: the California Freedom of Access to Clinic and Church Entrances (or California FACE) Act, and the Reproductive Rights Law Enforcement Act. The Reproductive Rights Law Enforcement Act added sections 13775 through 13779 to the California Penal Code requiring the Attorney General to collect and analyze information relating to anti-reproductive-rights crimes and submit a report to the Legislature. This publication is the result of that mandate.¹

An “anti-reproductive-rights crime” is defined in section 13776(a) of the California Penal Code as “a crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider, or assistant.”

In order to collect crime statistics mandated by the Reproductive Rights Law Enforcement Act, the California Department of Justice (DOJ) mailed *Information Bulletin* 02-09-BCIA (June 2002) to California law enforcement agencies throughout the state. This bulletin announced new statistical reporting requirements for anti-reproductive-rights crimes, as well as the development of an automated reporting system. Guidelines for sending these crime data to the DOJ were provided in *Information Bulletin* 02-15-BCIA (see Appendices).

Information collected by the department includes the date of event; the county and law enforcement jurisdiction where the crime occurred; the number of crime events, offenses, victims, and suspects involved; the type of offenses committed (e.g., vandalism); the offense level (felony or misdemeanor); the nature of the crime (violent or nonviolent); the location of the crime (e.g., a health facility); whether or not a weapon was used (if so, what kind); the race/ethnic group, gender, and age of the victims and suspects involved; a description of involved property (e.g., automobile or structure); the type of property damage; and the estimated value of that property.

This publication includes information reported to the DOJ by California law enforcement agencies for 2005. A data spreadsheet, which allows the reader to evaluate information pertaining to each anti-reproductive-rights crime reported, is included. Data tables, which organize and quantify these data, are also included. *Because this is only the 3rd year anti-reproductive-rights crime data have been reported to the DOJ, and until additional trend data become available, conclusions based on the information in this report should be reached with caution.*

Selected findings for 2005:

- Nine anti-reproductive-rights crime events were reported to the DOJ; one more than the number reported for 2004.
- Anti-reproductive-rights crimes occurred in six of California’s 58 counties. These six counties range in size from the most populous in the state (Los Angeles) to the 25th in population size (Marin).²
- Eleven anti-reproductive-rights offenses were reported. Vandalism was the most frequently reported offense (five), followed by assault and battery (three), arson (two), and assault (one). These reported offenses are consistent with a 2002 report published by the California Senate Office of Research which found that “threats of violence, vandalism, non-injury assaults, and blockades” were the most common crimes reported in a survey of 172 publicly identified California abortion providers.³
- Two of the eleven anti-reproductive-rights offenses were reported as crimes of violence, with both offenses reported as misdemeanors.
- Health facilities were the most frequently reported location of anti-reproductive-rights offenses.
- The value of property damaged ranged from \$500 to \$2,000 (two agencies reported an unknown value of damage).
- Two of the three individual victims of anti-reproductive-rights crimes were females, one white and one Hispanic. The third victim was a Hispanic male.
- Information about three suspects was reported; one Hispanic male and two white females.

¹ See also *Special Report to the Legislature on Senate Bill 780 - California Freedom of Access to Clinic and Church Entrances Act and Reproductive Rights Law Enforcement Act*, authored by Robert R. Springborn, Ph.D., and published by the California Department of Justice in June 2003.

² County population rankings were obtained from the California Department of Finance.

³ See *Crimes Against Reproductive Rights in California*, authored by Gregory deGiere and published by the California Senate Office of Research in January 2002.

ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2005

2005 Data

Event				Offense					
Total events ¹	Date of event	County	Reporting agency	Total offenses	Offense	Offense level (Fel/Misd)	Crime of violence	Location	Weapon
9				11					
1	02/08/05	Marin	San Rafael PD	1	Vandalism	Felony	No	Private/public health facility	None
1	03/03/05	Los Angeles	Glendale PD	1	Vandalism	Felony	No	Private/public health facility	None
1	03/05/05	Los Angeles	Glendale PD	3	Vandalism Arson Arson	Misd Felony Felony	No No No	Commercial/office building	None Fire/Incendiary Device Incendiary Device
1	04/08/05	Riverside	Riverside PD	1	Assault and Battery	Misd	Yes	Private/public health facility	Personal weapons (hands)
1	06/09/05	Marin	San Rafael PD	1	Vandalism	Misd	No	Private/public health facility	None
1	07/29/05	Riverside	Riverside PD	1	Assault and Battery	Misd	No	Private/public health facility	Personal weapons (hands)
1	08/23/05	Contra Costa	Concord PD	1	Assault and Battery	Misd	Yes	Private/public health facility	Other
1	11/28/05	Orange	Orange PD	1	Vandalism	Misd	No	Doctor office/hospital	None
1	12/01/05	Stanislaus	Modesto PD	1	Assault	Felony	No	Private/public health facility	None (false bomb threat)

Note: Dash indicates that data are not applicable or no information was reported.

The Vallejo Police Department did not report data for August through December 2005.

¹ An "event" is an occurrence of one or more criminal offenses committed against one or more victims by one or more suspects/perpetrators.

² A "victim" may be an individual, a reproductive health facility, a religious facility, a residence, etc. A victim can have more than one offense committed against them.

In 2005, nine anti-reproductive-rights crime events were reported to the California Department of Justice. The 2005 Data Spreadsheet (above) allows the reader of this publication to evaluate information pertaining to each of these events beginning with the date of event (left side of spreadsheet) and ending with suspect information (right side of spreadsheet). Tables 1 through 4 (pages 4 through 7) organize and quantify data by categories. (See also "Appendix V - 2003 and 2004 Data Spreadsheets" for a summary of anti-reproductive-rights crime data reported for 2003 and 2004, the first two years these data were reported to the DOJ.) *Until additional trend data become available, conclusions based on information in this report should be reached with caution.*

Spreadsheet

Victim information								Suspect information			
Total victims ²	Type of victim	Individual			Property			Total suspects	Race/ethnic group of suspect	Gender of suspect	Age of suspect
		Race/ethnic group of victim	Gender of victim	Age of victim	Property description	Type of loss or damage	Value of property				
9								3			
1	Property-health facility	-	-	-	Structure (window)	Vandalized (spray painted)	\$2,000	-	-	-	-
1	Property-health facility	-	-	-	Structure	Vandalized	\$500	-	-	-	-
1	Property-business	-	-	-	Structure	Vandalized	\$500	-	-	-	-
		-	-	-	Structure	Burned		-	-	-	-
		-	-	-	Structure	Burned		-	-	-	-
1	Individual-client	Hispanic	Male	38	-	-	-	1	Hispanic	Male	25
1	Property-health facility	-	-	-	Structure	Vandalized (spray painted)	-	-	-	-	-
1	Individual-client	Hispanic	Female	26	-	-	-	1	White	Female	49
1	Property-business	-	-	-	Structure	Vandalized	-	-	-	-	-
1	Property-health facility	-	-	-	Structure	Vandalized (spray painted)	\$500	-	-	-	-
1	Individual-employee	White	Female	-	-	-	-	1	White	Female	35

ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2005

Table 1
ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2005
 Events, Offenses, Victims, and Suspects by County and Jurisdiction

County and jurisdiction	Events ¹	Offenses	Victims ²	Suspects
Total	9	11	9	3
Contra Costa County - Concord PD	1	1	1	0
Los Angeles County - Glendale PD	2	4	2	0
Marin County - San Rafael PD	2	2	2	0
Orange County - Orange PD	1	1	1	0
Riverside County - Riverside PD	2	2	2	2
Stanislaus County - Modesto PD	1	1	1	1

Note: The Vallejo Police Department did not report data for August through December 2005.

¹ An "event" is an occurrence of one or more criminal offenses committed against one or more victims by one or more suspects/perpetrators.

² A "victim" may be an individual, a reproductive health facility, a religious facility, a residence, etc. A victim can have more than one offense committed against them.

Events, Offenses, Victims, and Suspects: Data in Table 1 provide information about anti-reproductive-rights crimes reported to the California Department of Justice by law enforcement agencies throughout the state for 2005. Four sets of data are displayed: reported crime events, offenses, victims, and suspects. An "event" is an occurrence in which one or more criminal offenses were perpetrated. "Offense" information displays the number of offenses occurring during the commission of an anti-reproductive-rights crime event (see Table 2 for more detail). "Victim" information displays the number of anti-reproductive-rights crime event victims (see Table 3 for more detail). Finally, "suspect" information displays the number of persons suspected of committing anti-reproductive-rights crimes in California (see Table 4 for more detail). Data in Table 1 are displayed by the county and jurisdiction of crime occurrence.

In 2005,

- Nine anti-reproductive-rights crime events occurred and were reported to the California Department of Justice by six law enforcement agencies in six counties. The Glendale, Riverside, and San Rafael Police Departments each reported two separate events.
- Eleven offenses occurred during the commission of the nine anti-reproductive-rights crime events reported. Multiple offenses for one crime event were reported by the Glendale Police Department, the only agency to report more than one offense committed during the commission of an anti-reproductive-rights crime (see 2005 Data Spreadsheet on prior page).
- Nine individual/property victims of anti-reproductive-rights crimes were reported. There were no events involving more than one victim.
- Information about three suspects was reported to the California Department of Justice. Because reported data are limited, it cannot be determined if or when a suspect was involved in more than one crime event. Therefore, the number of suspects reported in this category may not represent the total number of persons involved in the commission of anti-reproductive-rights crimes.

Table 2
ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2005
 Type of Offense by Offense Level, Crime of Violence, Location, and Weapon

Type of offense	Total	Offense level		Crime of violence		Location ¹			Weapon ²			
		Felony	Misd	Yes	No	Commercial/office building	Doctor office/hospital	Private/public health facility	Fire/Incendiary Device	Personal weapons	Other	None
Total	11	5	6	2	9	1	1	7	1	2	1	5
Arson	2	2	0	0	2	1	0	0	1	0	0	0
Assault	1	1	0	0	1	0	0	1	0	0	0	1
Assault and battery	3	0	3	2	1	0	0	3	0	2	1	0
Vandalism	5	2	3	0	5	0	1	3	0	0	0	4

Note: The Vallejo Police Department did not report data for August through December 2005.

¹ When multiple offenses occur at the same location, only one location is recorded. Additionally, only one location is recorded per event; therefore, counts will add to the number of total events, not the number of total offenses.

² When a weapon is used during the commission of more than one offense, the weapon is recorded against the most serious offense committed. Additionally, only one weapon is recorded per event; therefore, counts will add to the number of total events, not the number of total offenses.

Offenses: Table 2 displays the level of each anti-reproductive-rights offense reported to the California Department of Justice. Table 2 also displays offenses reported as a crime of violence. To be reported as a crime of violence, an offense must involve “the use, attempted use, or threatened use of physical force against the person or property of another” as defined by section 423.1 of the California Penal Code. The location at which offenses occurred and the type of weapons used to commit those offenses are also displayed. Data in Table 2 are displayed by the type of offense reported.

In 2005,

- Eleven offenses occurred during the commission of the nine anti-reproductive-rights crime events reported to the California Department of Justice. Vandalism was the most frequently reported offense (five), followed by assault and battery (three), arson (two), and assault (one).
- Five offenses were reported as felonies, and six were reported as misdemeanors.
- Two offenses, both misdemeanors, were reported as crimes of violence (see 2005 Data Spreadsheet on page 2).
- Private/public health facilities were the most frequently reported location of anti-reproductive-rights offenses (seven), followed by commercial/office building and doctor’s office/hospital (one each).
- A fire/incendiary device was used during the commission of one anti-reproductive-rights crime event, personal weapons were used in two events, and other weapons were used in another.

ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2005

Table 3
ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2005

Type of Victim by Race/Ethnic Group, Gender, Age, Property Description, Type of Loss or Damage, and Value of Property

Type of victim ¹	Total	Individual							Property				
		Race/ethnic group of victim		Gender of victim		Age of victim			Property description	Type of loss or damage	Value of property		
		White	Hispanic	Male	Female	Under 40	40 and over	Un-known	Structure	Destroyed/Damaged/Vandalized	\$500-\$999	\$1000-\$2000	Unknown
Total	9												
Individual	3	1	2	1	2	2	0	1	-	-	-	-	-
Client	2	0	2	1	1	2	0	0	-	-	-	-	-
Employee	1	1	0	0	1	0	0	1	-	-	-	-	-
Other	0	0	0	0	0	0	0	0	-	-	-	-	-
Property	6	-	-	-	-	-	-	-	6	6	3	1	2
Business	2	-	-	-	-	-	-	-	2	2	1	0	1
Health facility	4	-	-	-	-	-	-	-	4	4	2	1	1

Notes: Dash indicates that data are not applicable or no information was reported.

The Vallejo Police Department did not report data for August through December 2005.

¹ A "victim" may be an individual, a reproductive health facility, a religious facility, a residence, etc.

Victims: Table 3 displays the race/ethnic group, gender, and age of individuals reported to the California Department of Justice as having been an anti-reproductive-rights crime victim, any property damage they may have incurred, and information about property victims. An "individual" victim is recorded when an anti-reproductive-rights crime has been reported as having occurred against a person. Individuals are recorded as either clients or employees of reproductive health services facilities, or as "other" (neither clients nor employees). The second type of victim, "property," is recorded when an anti-reproductive-rights crime has been reported as having occurred against property only. Property victims are recorded as either health facilities (includes hospitals, abortion clinics, family planning clinics, etc.), businesses, religious organizations (includes buildings associated with a specific religious group), or other entities.

In 2005,

- Nine individual/property victims of anti-reproductive-rights crimes were reported to the California Department of Justice. Property victims were the most frequently reported (six).
- Of three individual victims reported, two were health services clients and one was an employee of a reproductive health service facility. Of six property victims reported, two were businesses and four were health facilities.
- Of three individual victims, one was white and two were Hispanic. There were two female victims and one male.
- Two individual victims were under age 40, while the age of the third victim was unknown.
- All six property victims were structures that were destroyed, damaged, or vandalized. The value of property damage at two health facilities vandalized was reported as between \$500 and \$999 each. The one business that was vandalized also reported damage as between \$500 and \$999. One health facility reported damage of between \$1,000 and \$2,000.
- One business and one health services facility reported an unknown value of property damage.

Table 4
ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2005
 Type of Offense by Race/Ethnic Group, Gender, and Age of Suspect

Type of offense	Total suspects ¹	Race/ethnic group of suspect		Gender of suspect		Age of suspect		
		White	Hispanic	Male	Female	Under 40	40 and over	Un-known
Total	3	2	1	1	2	2	1	0
Assault	1	1	0	0	1	1	0	0
Assault and battery	2	1	1	1	1	1	1	0

Note: The Vallejo Police Department did not report data for August through December 2005.

¹When multiple offenses are committed by one suspect, information about the suspect is recorded against the most serious offense.

Suspects: Table 4 displays the race/ethnic group, gender, and age of persons suspected of committing anti-reproductive-rights crimes in California. It should be noted that a single suspect may commit multiple offenses and multiple suspects may commit a single offense. Additionally, data about suspects may be unknown and therefore unreported. Data in Table 4 are displayed by the type of offense reported.

In 2005,

- Information about three suspects was reported to the California Department of Justice. One suspect committed assault, and two suspects committed assault and battery.
- Two suspects were white, and one suspect was Hispanic.
- One suspect was male, and two suspects were female.
- Two suspects were under age 40, and one suspect was aged 40 and over.

ANTI-REPRODUCTIVE- RIGHTS CRIMES



APPENDICES

Senate Bill No. 780

CHAPTER 899

An act to add Title 11.7 (commencing with Section 423) of Part 1 of, and to add and repeal Title 5.7 (commencing with Section 13775) to Part 4 of, the Penal Code, relating to the protection of constitutional rights.

[Approved by Governor October 14, 2001. Filed
with Secretary of State October 14, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 780, Ortiz. Protection of the exercise of constitutional rights.

Existing provisions of federal law make it a crime and provide a civil remedy for the commission of certain activities that interfere with a person's access to reproductive health services facilities or with a person's participation in religious services or that damage or destroy property of a reproductive health facility or place of worship.

Existing provisions of state law authorize a civil action for damages resulting from the commission of specified activities that interfere with a person's access to a health facility or with the facility's functioning, and a court in which a proceeding for this relief is filed, is required to take all reasonable action to protect, as specified, the parties and witnesses in the matter.

Under other existing provisions of state law, it is a crime to make a threat, as specified, causing a person to refrain from engaging in a religious service or to commit an act of terrorism, as specified, at a place of religious worship or at a location where abortion counseling services, education, or other specified activities are conducted. Existing law also makes it a crime to damage or destroy the real or personal property of a place of worship or to interfere with the exercise of a person's religious beliefs because of his or her religion.

Under existing law, the Attorney General is required to collect from local law enforcement agencies information relating to crimes motivated by, among other personal characteristics, a person's religion, which the Department of Justice analyzes and submits in an annual report to the Legislature.

This bill would add similar provisions in state law to make it a crime and would provide a civil remedy for the commission of the acts prohibited under federal law, as described above. The bill would require a court in proceedings regarding the prohibited acts to take all actions reasonably required to protect the safety and privacy of the parties, witnesses, and persons who are victims, or at risk of becoming victims, of the prohibited activities. This bill would allow specified persons to use pseudonyms in civil actions related to prohibited acts. The bill would authorize as remedies in the civil action injunctive relief, compensatory and punitive damages, attorney's fees, costs of the suit, and statutory damages. This bill would also authorize the Attorney General, a district attorney, or a city attorney to file an action to enjoin prohibited acts, for

compensatory damages to persons aggrieved by prohibited acts, and for civil penalties, as specified.

The bill would also require the Attorney General to assume specified duties related to planning, information gathering, and analysis with respect to anti-reproductive-rights crimes, as defined. The bill would also require the Attorney General to submit various reports on this issue to the Legislature. The bill would require the Commission on Peace Officer Standards and Training to develop a training course on anti-reproductive-rights crimes. This bill would provide that the requirements for information gathering, reporting, planning, and course development related to anti-reproductive-rights crimes would be repealed on January 1, 2007.

Because this bill would create a new crime and would impose a reporting requirement on local law enforcement agencies, it would impose a state-mandated program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds the following:

(a) Federal law enforcement activities proved effective between 1993 and 2001, in reducing and punishing crimes intended to violate a woman's right to reproductive choice. However, the level and threat of those crimes in 2001 remained unacceptably high, and continued and increased law enforcement remained necessary.

(b) Federal actions that proved effective in reducing and punishing these crimes include the vigorous criminal and civil enforcement of the Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248) by the United States Department of Justice and the United States Attorney's Office; the creation by the United States Department of Justice of the national Task Force on Violence Against Health Care Providers that gathers and analyzes information, which is made available to law enforcement agencies and prosecutors, on threats against reproductive health service providers and those persons suspected of engaging in this activity; the creation by the United States

Attorney's Office of regional task forces on violence against abortion providers that coordinate federal, state, and local law enforcement efforts in connection with preventing this activity; the provision of instruction by the United States Marshals Service to ensure reproductive health services providers are able to promptly communicate threats they receive to the appropriate federal, state, and local law enforcement officials; other security training and advice provided by the United States Marshals Services and the Bureau of Alcohol, Tobacco and Firearms to reproductive health service providers; the protection provided by the United States Marshals Service, the Bureau of Alcohol, Tobacco, and Firearms, and the Federal Bureau of Investigation to those persons most at risk from anti-reproductive-rights crime; the training of law enforcement officers and reproductive health services providers in regional sessions sponsored by the United States Attorney's Offices in cooperation with the Feminist Majority Foundation, the National Abortion Federation, and the Planned Parenthood Federation of America, and certified by the Commission on Peace Officer Standards and Training; and the instruction provided by the United States Department of Justice and Federal Bureau of Investigation personnel in those training sessions.

(c) It is the intent of the Legislature that state and local law enforcement agencies continue and build on these services in California.

(d) (1) It is the intent of the Legislature that the Commission on Peace Officer Standards and Training, pursuant to Section 13778 of the Penal Code and in cooperation with the Department of Justice and other subject matter experts, provide for regular, periodic, continuing professional training of peace officers throughout California, and that this training take place in conjunction, when appropriate, with training of reproductive health service providers funded by noncommission sources.

(2) It is the intent of the Legislature that training pursuant to Section 13778 of the Penal Code include information on crimes, including antigovernment extremist crimes and certain hate crimes motivated by hostility to real or perceived ethnic background or sexual orientation, commonly committed by some of the same persons who commonly commit anti-reproductive-rights crimes of violence. Likewise, it is the intent of the Legislature that the guidelines and course of instruction and training pursuant to Section 13519.6 of the Penal Code include information on these crimes.

(e) Nothing in this act is intended to define anti-reproductive-rights crimes or antigovernment extremist crimes as hate crimes, or otherwise to expand or change the definition of hate crimes.

(f) It is the intent of the Legislature that nothing in this act, and no action by anyone pursuant to this act, stigmatize anyone solely because of his or her political or religious beliefs, because of his or her advocacy of any lawful actions, or because of his or her exercise of the rights of free speech or freedom of religion, and that nothing in this act, and no

actions by anyone pursuant to this act, otherwise harm anyone because of his or her beliefs, constitutionally protected speech, or lawful actions.

SEC. 2. Title 11.7 (commencing with Section 423) is added to Part 1 of the Penal Code, to read:

TITLE 11.7. CALIFORNIA FREEDOM OF ACCESS TO CLINIC AND CHURCH ENTRANCES ACT

423. This title shall be known and may be cited as the California Freedom of Access to Clinic and Church Entrances Act, or the California FACE Act.

423.1. The following definitions apply for the purposes of this title:

(a) "Crime of violence" means an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another.

(b) "Interfere with" means to restrict a person's freedom of movement.

(c) "Intimidate" means to place a person in reasonable apprehension of bodily harm to herself or himself or to another.

(d) "Nonviolent" means conduct that would not constitute a crime of violence.

(e) "Physical obstruction" means rendering ingress to or egress from a reproductive health services facility or to or from a place of religious worship impassable to another person, or rendering passage to or from a reproductive health services facility or a place of religious worship unreasonably difficult or hazardous to another person.

(f) "Reproductive health services" means reproductive health services provided in a hospital, clinic, physician's office, or other facility and includes medical, surgical, counseling, or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.

(g) "Reproductive health services client, provider, or assistant" means a person or entity that is or was involved in obtaining, seeking to obtain, providing, seeking to provide, or assisting or seeking to assist another person, at that other person's request, to obtain or provide any services in a reproductive health services facility, or a person or entity that is or was involved in owning or operating or seeking to own or operate, a reproductive health services facility.

(h) "Reproductive health services facility" includes a hospital, clinic, physician's office, or other facility that provides or seeks to provide reproductive health services and includes the building or structure in which the facility is located.

423.2. Every person who, except a parent or guardian acting towards his or her minor child or ward, commits any of the following acts shall be subject to the punishment specified in Section 423.3.

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts

to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.

(b) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.

(c) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.

(d) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.

(e) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.

(f) Intentionally damages or destroys the property of a place of religious worship.

423.3. (a) A first violation of subdivision (c) or (d) of Section 423.2 is a misdemeanor, punishable by imprisonment in a county jail for a period of not more than six months and a fine not to exceed two thousand dollars (\$2,000).

(b) A second or subsequent violation of subdivision (c) or (d) of Section 423.2 is a misdemeanor, punishable by imprisonment in a county jail for a period of not more than six months and a fine not to exceed five thousand dollars (\$5,000).

(c) A first violation of subdivision (a), (b), (e), or (f) of Section 423.2 is a misdemeanor, punishable by imprisonment in a county jail for a period of not more than one year and a fine not to exceed twenty-five thousand dollars (\$25,000).

(d) A second or subsequent violation of subdivision (a), (b), (e), or (f) of Section 423.2 is a misdemeanor, punishable by imprisonment in a county jail for a period of not more than one year and a fine not to exceed fifty thousand dollars (\$50,000).

(e) In imposing fines pursuant to this section, the court shall consider applicable factors in aggravation and mitigation set out in Rules 4.421 and 4.423 of the California Rules of Court, and shall consider a prior violation of the federal Freedom of Access to Clinic Entrances Act of

1994 (18 U.S.C. Sec. 248), or a prior violation of a statute of another jurisdiction that would constitute a violation of Section 423.2 or of the federal Freedom of Access to Clinic Entrances Act of 1994, to be a prior violation of Section 423.2.

(f) This title establishes concurrent state jurisdiction over conduct that is also prohibited by the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248), which provides for more severe misdemeanor penalties for first violations and felony-misdemeanor penalties for second and subsequent violations. State law enforcement agencies and prosecutors shall cooperate with federal authorities in the prevention, apprehension, and prosecution of these crimes, and shall seek federal prosecutions when appropriate.

(g) No person shall be convicted under this article for conduct in violation of Section 423.2 that was done on a particular occasion where the identical conduct on that occasion was the basis for a conviction of that person under the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248).

423.4. (a) A person aggrieved by a violation of Section 423.2 may bring a civil action to enjoin the violation, for compensatory and punitive damages, and for the costs of suit and reasonable fees for attorneys and expert witnesses, except that only a reproductive healthservices client, provider, or assistant may bring an action under subdivision (a), (c), or (e) of Section 423.2, and only a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom in a place of religious worship, or the entity that owns or operates a place of religious worship, may bring an action under subdivision (b), (d), or (f) of Section 423.2. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of a final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of one thousand dollars (\$1,000) per exclusively nonviolent violation, and five thousand dollars (\$5,000) per any other violation, for each violation committed.

(b) The Attorney General, a district attorney, or a city attorney may bring a civil action to enjoin a violation of Section 423.2, for compensatory damages to persons aggrieved as described in subdivision (a) and for the assessment of a civil penalty against each respondent. The civil penalty shall not exceed two thousand dollars (\$2,000) for an exclusively nonviolent first violation, and fifteen thousand dollars (\$15,000) for any other first violation, and shall not exceed five thousand dollars (\$5,000) for an exclusively nonviolent subsequent violation, and twenty-five thousand dollars (\$25,000) for any other subsequent violation. In imposing civil penalties pursuant to this subdivision, the court shall consider a prior violation of the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248), or a prior violation of a statute of another jurisdiction that would constitute a violation of Section 423.2 or the federal Freedom of Access to Clinic Entrances Act of 1994, to be a prior violation of Section 423.2.

(c) No person shall be found liable under this section for conduct in violation of Section 423.2 done on a particular occasion where the identical conduct on that occasion was the basis for a finding of liability by that person under the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248).

423.5. (a) (1) The court in which a criminal or civil proceeding is filed for a violation of subdivision (a), (c), or (e) of Section 423.2 shall take all action reasonably required, including granting restraining orders, to safeguard the health, safety, or privacy of either of the following:

(A) A reproductive health services client, provider, or assistant who is a party or witness in the proceeding.

(B) A person who is a victim of, or at risk of becoming a victim of, conduct prohibited by subdivision (a), (c), or (e) of Section 423.2.

(2) The court in which a criminal or civil proceeding is filed for a violation of subdivision (b), (d), or (f) of Section 423.2 shall take all action reasonably required, including granting restraining orders, to safeguard the health, safety, or privacy of either of the following:

(A) A person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.

(B) An entity that owns or operates a place of religious worship.

(b) Restraining orders issued pursuant to paragraph (1) of subdivision (a) may include provisions prohibiting or restricting the photographing of persons described in subparagraphs (A) and (B) of paragraph (1) of subdivision (a) when reasonably required to safeguard the health, safety, or privacy of those persons. Restraining orders issued pursuant to paragraph (2) of subdivision (a) may include provisions prohibiting or restricting the photographing of persons described in subparagraphs (A) and (B) of paragraph (2) of subdivision (a) when reasonably required to safeguard the health, safety, or privacy of those persons.

(c) A court may, in its discretion, permit an individual described in subparagraph (A) or (B) of paragraph (1) of subdivision (a) to use a pseudonym in a civil proceeding described in paragraph (1) of subdivision (a) when reasonably required to safeguard the health, safety, or privacy of those persons. A court may, in its discretion, permit an individual described in subparagraph (A) or (B) of paragraph (2) of subdivision (a) to use a pseudonym in a civil proceeding described in paragraph (2) of subdivision (a) when reasonably required to safeguard the health, safety, or privacy of those persons.

423.6. This title shall not be construed for any of the following purposes:

(a) To impair any constitutionally protected activity, or any activity protected by the laws of California or of the United States of America.

(b) To provide exclusive civil or criminal remedies or to preempt or to preclude any county, city, or city and county from passing any law to provide a remedy for the commission of any of the acts prohibited by this title or to make any of those acts a crime.

(c) To interfere with the enforcement of any federal, state, or local laws regulating the performance of abortions or the provision of other reproductive health services.

(d) To negate, supercede, or otherwise interfere with the operation of any provision of Chapter 10 (commencing with Section 1138) of Part 3 of Division 2 of the Labor Code.

(e) To create additional civil or criminal remedies or to limit any existing civil or criminal remedies to redress an activity that interferes with the exercise of any other rights protected by the First Amendment to the United States Constitution or of Article I of the California Constitution.

(f) To preclude prosecution under both this title and any other provision of law, except as provided in subdivision (g) of Section 423.3.

SEC. 3. Title 5.7 (commencing with Section 13775) is added to Part 4 of the Penal Code, to read:

TITLE 5.7. REPRODUCTIVE RIGHTS LAW ENFORCEMENT ACT

13775. This title shall be known and may be cited as the Reproductive Rights Law Enforcement Act.

13776. The following definitions apply for the purposes of this title:

(a) "Anti-reproductive-rights crime" means a crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider, or assistant. "Anti-reproductive-rights crime" includes, but is not limited to, a violation of subdivision (a) or (c) of Section 423.2.

(b) "Subject matter experts" includes, but is not limited to, law enforcement agencies experienced with anti-reproductive-rights crimes, and organizations such as the American Civil Liberties Union, the American College of Obstetricians and Gynecologists, the California Abortion and Reproductive Rights Action League, the California Medical Association, the Feminist Majority Foundation, the National Abortion Federation, the National Organization for Women, and the Planned Parenthood Federation of America that represent reproductive health services clients, providers, and assistants.

(c) "Crime of violence," "nonviolent," "reproductive health services;" "reproductive health services client, provider, or assistant;" and "reproductive health services facility" each has the same meaning as set forth in Section 423.1.

13777. (a) Except as provided in subdivision (d), the Attorney General shall do each of the following:

(1) Collect and analyze information relating to anti-reproductive-rights crimes, including, but not limited to, the threatened commission of these crimes and

persons suspected of committing these crimes or making these threats. The analysis shall distinguish between crimes of violence, including, but not limited to, violations of subdivisions (a) and (e) of Section 423.2, and nonviolent crimes, including, but not limited to, violations of subdivision (c) of Section 423.2. The Attorney General shall make this information available to federal, state, and local law enforcement agencies and prosecutors in California.

(2) Direct local law enforcement agencies to report to the Department of Justice, in a manner that the Attorney General prescribes, any information that may be required relative to anti-reproductive-rights crimes. The report of each crime that violates Section 423.2 shall note the subdivision that prohibits the crime. The report of each crime that violates any other law shall note the code, section, and subdivision that prohibits the crime. The report of any crime that violates both Section 423.2 and any other law shall note both the subdivision of Section 423.2 and the other code, section, and subdivision that prohibits the crime.

(3) On or before July 1, 2003, and every July 1 thereafter, submit a report to the Legislature analyzing the information it obtains pursuant to this section.

(4) (A) Develop a plan to prevent, apprehend, prosecute, and report anti-reproductive-rights crimes, and to carry out the legislative intent expressed in subdivisions (c), (d), (e), and (f) of Section 1 of the act that enacts this title in the 2001-2002 session of the Legislature.

(B) Make a report on the plan to the Legislature by December 1, 2002. The report shall include recommendations for any legislation necessary to carry out the plan.

(5) Make a report to the Legislature in 2005, that evaluates the implementation of the act that enacts this title in the 2001-02 Regular Session, any legislation recommended pursuant to subparagraph (B) of paragraph (4), and the plan developed pursuant to subparagraph (A) of paragraph (4). The report shall also include a recommendation concerning whether the Legislature should extend or repeal the sunset date in Section 13779 and recommendations regarding any other necessary legislation.

(b) In carrying out his or her responsibilities under this section, the Attorney General shall consult the Governor, the Commission on Peace Officer Standards and Training, and other subject matter experts.

(c) To avoid production and distribution costs, the Attorney General may submit the reports that this section requires electronically or as part of any other reports that he or she submits to the Legislature, and shall post the reports that this section requires on the Department of Justice Web site.

(d) The Attorney General shall implement this section to the extent the Legislature appropriates funds in the Budget Act or another statute for this purpose.

13778. (a) The Commission on Peace Officer Standards and Training, utilizing available resources, shall develop a two-hour telecourse on anti-reproductive-rights crimes and make the telecourse available to all California law enforcement agencies as soon as practicable after chaptering of

the act that enacts this title in the 2001–2002 session of the Legislature.

(b) Persons and organizations, including, but not limited to, subject-matter experts, may make application to the commission, as outlined in Article 3 (commencing with Section 1051) of Division 2 of Title 11 of the California Code of Regulations, for certification of a course designed to train law enforcement officers to carry out the legislative intent expressed in paragraph (1) of subdivision (d) of Section 1 of the act that enacts this title in the 2001–02 Regular Session.


(c) In developing the telecourse required by subdivision (a), and in considering any applications pursuant to subdivision (b), the commission, utilizing available resources, shall consult the Attorney General and other subject matter experts, except where a subject matter expert has submitted, or has an interest in, an application pursuant to subdivision (b).

13779. This title shall remain in effect until January 1, 2007, and as of that date is repealed unless a later enacted statute deletes or extends that date.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Bill Lockyer, Attorney General

California Department of Justice DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES Nick L. Dedier, Director/CIO		INFORMATION BULLETIN	
Subject: Revised Forms for Reporting Anti-Reproductive Rights Crimes	No. 02-15-BCIA <hr/> Date: 11-22-02	Contact for information: Irene Smith, Supervisor Criminal Justice Statistics Center (916) 227-3564	

TO: ALL CHIEFS OF POLICE AND SHERIFFS

In June 2002, Information Bulletin 02-09-BCIA was mailed out announcing new statistical reporting requirements for Anti-Reproductive Rights Crimes (ARRC). All law enforcement agencies should have begun reporting ARRC data to the Department of Justice (DOJ) in July 2002. Effective immediately, please use the attached revised forms, BCIA 8370 and BCIA 8371, for reporting ARRC.

The reporting format has been modified to clarify the purpose of this database, which is to collect data on any crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, or any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider or assistant. Also, a column has been added to distinguish between crimes of violence and nonviolent crimes as defined in California Penal Code 423.1.

You can make copies of the enclosed forms or print them from the California Law Enforcement Website (CLEW) at: <http://justice.hcdcojnet.state.ca.us/clew>. These forms are due on the 10th working day of the month and can be submitted with your other statistical reports (e.g., Return A, Homicides, Monthly Arrest and Citation Register). An electronic reporting system is currently under development and will be available in 2003 along with a training CD.

If you need a copy of the Information Bulletin mentioned above or have any questions regarding these revisions, please contact Irene Smith, Supervisor, at (916) 227-3564.


Sincerely,



DOUG SMITH, Deputy Director
 Division of California Justice Information Services

For BILL LOCKYER
 Attorney General

Enclosures
 cc/enc: record supervisors

DCJIS-t (Rev 6/99) 

ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2005

MONTHLY REPORT OF ANTI-REPRODUCTIVE RIGHTS CRIMES (ARRC) SUMMARY WORKSHEET

AGENCY	
NCIC NUMBER	REPORTING MONTH / YEAR
<input type="checkbox"/> THERE WERE _____ ARRCs REPORTED TO THIS DEPARTMENT FOR THIS MONTH (Attach Data Collection Worksheets)	
<input type="checkbox"/> THERE WERE NO ARRCs REPORTED TO THIS DEPARTMENT FOR THIS MONTH	
PREPARER'S NAME	TELEPHONE NUMBER
SUBMIT THIS SUMMARY SHEET WITH THE ARRC DATA COLLECTION WORKSHEET(S), IF ANY, TO: State of California Department of Justice CRIMINAL JUSTICE STATISTICS CENTER P. O. Box 903427 Sacramento, CA 94203-4270 ATTN: Anti-Reproductive Rights Crimes	

Purpose:

It is the intent of the Department of Justice to:

- Collect data on all crimes relating to violations of the Reproductive Rights Law Enforcement Act.
- Collect data on the threatened commission of anti-reproductive rights crimes and persons suspected of committing these crimes or making these threats.
- Distinguish between crimes of violence and non-violence.

INSTRUCTIONS FOR COMPLETION:

SUBMIT ANTI-REPRODUCTIVE RIGHTS CRIMES (ARRC) AS DEFINED IN PENAL CODE SECTION 13776 (A). SEE REVERSE SIDE OF THIS FORM FOR PENAL CODE STATUTES TO BE USED WHEN COMPLETING THIS FORM.

NOTE: It is the purpose of this legislation to collect data on any crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider, or assistant.

Requirement:

This form should be submitted monthly whether or not an ARRC occurred.

Frequency:

Submit monthly, by the 10th working day for the preceding month (for example, July data should be submitted by the 10th working day in August).

Reporting # of ARRCs:

If there are ARRCs to be reported by your agency, check the first box and enter the total number of ARRCs for the reporting month. Attach Data Collection Worksheets for each ARRC reported.

If there were no ARRCs to report, check the second box and submit the Summary Worksheet only.

BCIA 8370 (10/02)

The following Penal Code Sections are to be used when completing this form and the Data Collection Worksheet (BCIA 8371):

Section 423.1 PC (Definitions)

The following definitions apply for the purposes of this title:

- (a) "Crime of violence" means an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another.
- (b) "Interfere with" means to restrict a person's freedom of movement.
- (c) "Intimidate" means to place a person in reasonable apprehension of bodily harm to herself or himself or to another.
- (d) "Nonviolent" means conduct that would not constitute a crime of violence.
- (e) "Physical obstruction" means rendering ingress to or egress from a reproductive health services facility or to or from a place of religious worship impassable to another person, or rendering passage to or from a reproductive health services facility or a place of religious worship unreasonably difficult or hazardous to another person.
- (f) "Reproductive health services" means reproductive health services provided in a hospital, clinic, physician's office, or other facility and includes medical, surgical, counseling, or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.
- (g) "Reproductive health services client, provider, or assistant" means a person or entity that is or was involved in obtaining, seeking to obtain, providing, seeking to provide, or assisting or seeking to assist another person, at that other person's request, to obtain or provide any services in a reproductive health services facility, or a person or entity that is or was involved in owning or operating or seeking to own or operate, a reproductive health services facility.
- (h) "Reproductive health services facility" includes a hospital, clinic, physician's office, or other facility that provides or seeks to provide reproductive health services and includes the building or structure in which the facility is located.

Section 423.2 PC (Elements of Offense)

Every person who, except a parent or guardian acting towards his or her minor child or ward, commits any of the following acts shall be subject to the punishment specified in Section 423.3.

- (a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.
- (c) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.
- (e) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.

Section 13776 PC (Definitions)

- (a) "Anti-reproductive rights crime" means a crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider, or assistant. "Anti-reproductive rights crime" includes, but is not limited to, a violation of subsection (a) or (c) of Section 423.2.

ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2005

ANTI-REPRODUCTIVE RIGHTS CRIMES (ARRC) DATA COLLECTION WORKSHEET

ADMINISTRATION	PREPARER'S NAME			TELEPHONE NUMBER			
	AGENCY			NCIC NUMBER		DATE	
INCIDENT INFORMATION	OCCURRENCE DATE		TIME	CRIME CASE NUMBER			
	TOTAL NUMBER OF INDIVIDUAL VICTIMS			TOTAL NUMBER OF PROPERTY VICTIMS			
	ARRC OFFENSE(S)						
	STATUTE (CODE SECTION)		LITERAL		LEVEL (M/F)	CRIME OF VIOLENCE?	NUMBER OF VICTIMS/PROPERTY
	1. _____		_____		_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
	2. _____		_____		_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
	3. _____		_____		_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
	4. _____		_____		_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
	5. _____		_____		_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
	6. _____		_____		_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
7. _____		_____		_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____	
8. _____		_____		_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____	
LOCATION TYPE (Check one)							
<input type="checkbox"/> PRIVATE/PUBLIC HEALTH FACILITY		<input type="checkbox"/> GOVERNMENT/PUBLIC BUILDING		<input type="checkbox"/> RELIGIOUS FACILITY			
<input type="checkbox"/> DOCTOR OFFICE/HOSPITAL		<input type="checkbox"/> PARKING LOT/GARAGE		<input type="checkbox"/> SCHOOL/COLLEGE			
<input type="checkbox"/> COMMERCIAL/OFFICE BUILDING/THEATER		<input type="checkbox"/> RESIDENCE/HOME/DRIVEWAY		<input type="checkbox"/> OTHER _____			
IF WEAPON INVOLVED, CHECK TYPE (Up to 3)							
<input type="checkbox"/> FIREARM (TYPE UNKNOWN)		<input type="checkbox"/> BLUNT OBJECT (CLUB, HAMMER, ETC.)		<input type="checkbox"/> ASPHYXIATION (BY DROWNING, STRANGULATION, SUFFOCATION, GAS, ETC.)			
<input type="checkbox"/> HANDGUN		<input type="checkbox"/> MOTOR VEHICLE (WHEN USED AS WEAPON)		<input type="checkbox"/> UNKNOWN			
<input type="checkbox"/> RIFLE		<input type="checkbox"/> PERSONAL WEAPONS (I.E., HANDS, FISTS, FEET, ETC.)		<input type="checkbox"/> OTHER _____			
<input type="checkbox"/> SHOTGUN		<input type="checkbox"/> POISON					
<input type="checkbox"/> OTHER FIREARM (MACHINE GUN, BAZOOKA, ETC.)		<input type="checkbox"/> EXPLOSIVES					
<input type="checkbox"/> KNIFE/CUTTING INSTRUMENT (AX, ICE PICK, SCREWDRIVER, SWITCHBLADE, ETC.)		<input type="checkbox"/> FIRE/INCENDIARY DEVICE					
		<input type="checkbox"/> DRUGS/NARCOTICS/SLEEPING PILLS					
VICTIM INFORMATION	V1	RACE *	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH	VICTIM TYPE *	VICTIM OF: (Refer to Statute List Above) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8	
	V2	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH	VICTIM TYPE	VICTIM OF: (Refer to Statute List Above) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8	
	V3	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH	VICTIM TYPE	VICTIM OF: (Refer to Statute List Above) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8	
	V4	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH	VICTIM TYPE	VICTIM OF: (Refer to Statute List Above) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8	
	V5	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH	VICTIM TYPE	VICTIM OF: (Refer to Statute List Above) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8	

* See Legend on reverse

OVER

BCIA 8371 (10/02)

PROPERTY	PROPERTY TYPE *		TYPE OF LOSS OR DAMAGE		VALUE
			<input type="checkbox"/> NONE <input type="checkbox"/> BURNED <input type="checkbox"/> DESTROYED/DAMAGED/VANDALIZED <input type="checkbox"/> STOLEN		
	PROPERTY DESCRIPTION OR PROPERTY CATEGORY CODE *				
SUSPECT INFORMATION	S1	RACE *	SEX	DATE OF BIRTH OR AGE	IS THIS SUSPECT A RESIDENT OF YOUR LOCALITY?
			<input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> UNKNOWN		<input type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT <input type="checkbox"/> UNKNOWN
	S2	RACE	SEX	DATE OF BIRTH OR AGE	IS THIS SUSPECT A RESIDENT OF YOUR LOCALITY?
			<input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> UNKNOWN		<input type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT <input type="checkbox"/> UNKNOWN
S3	RACE	SEX	DATE OF BIRTH OR AGE	IS THIS SUSPECT A RESIDENT OF YOUR LOCALITY?	
		<input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> UNKNOWN		<input type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT <input type="checkbox"/> UNKNOWN	
S4	RACE	SEX	DATE OF BIRTH OR AGE	IS THIS SUSPECT A RESIDENT OF YOUR LOCALITY?	
		<input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> UNKNOWN		<input type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT <input type="checkbox"/> UNKNOWN	
S5	RACE	SEX	DATE OF BIRTH OR AGE	IS THIS SUSPECT A RESIDENT OF YOUR LOCALITY?	
		<input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> UNKNOWN		<input type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT <input type="checkbox"/> UNKNOWN	

*** LEGEND**

Race/Ethnicity Codes

- | | |
|-----------------|----------------------|
| A - Other Asian | L - Laotian |
| B - Black | O - Other |
| C - Chinese | P - Pacific Islander |
| D - Cambodian | S - Samoan |
| F - Filipino | U - Hawaiian |
| G - Guamanian | V - Vietnamese |
| H - Hispanic | W - White |
| I - Indian | Z - Asian |
| J - Japanese | X - Unknown |
| K - Korean | |

Victim Type Codes

- IC - Individual Client
- IE - Individual Employee
- IO - Individual Other

Property Type Codes

- B - Business
- R - Religious Organization
- H - Health Facility
- OE - Other Entity

Property Category Codes

- | | |
|---------------------------|--|
| 1 - Automobiles | 8 - Purses/Handbags/Wallets |
| 2 - Bicycles | 9 - Radios/TVs/VCRs |
| 3 - Buses | 10 - Structures-Single Occupancy Dwellings |
| 4 - Clothes/Furs | 11 - Structures-Other Dwellings |
| 5 - Computer | 12 - Structures-Other Commercial/Business |
| | Hardware/Software |
| 6 - Office-type Equipment | 13 - Structures-Public/Community |
| 7 - Other Motor Vehicles | 14 - Structures-Other |
| | 15 - Other |

ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2005

ANTI-REPRODUCTIVE RIGHTS CRIMES (ARRC)

Data Collection Worksheet (BCIA 8371)

Requirement:

This Data Collection Worksheet (BCIA 8371) should be completed and submitted only if there are ARRCs to report for your agency.

NOTE: It is the purpose of this legislation to collect data on any crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider, or assistant.

Frequency:

At the end of the month, enter the total number of ARRCs reported to your agency on the Summary Worksheet (BCIA 8370) and attach a completed Data Collection Worksheet (BCIA 8371) for each ARRC. If there are no ARRCs to report, submit only the Summary Worksheet (BCIA 8370).

Submit these forms by the 10th working day for the preceding month (for example, July data should be submitted by the 10th working day in August).

Administration:

Preparer's Name

Enter the name of the person who prepared the form and whom should be contacted by the DOJ regarding questions.

Telephone Number

Enter the area code and telephone number of the person to be contacted if questions arise.

Agency

Enter the name of your agency.

NCIC Number

Enter your agency's ORI/NCIC number. Agencies should abbreviate the nine-character NCIC code by using the fourth through seventh character of the NCIC code. For example, if your NCIC number is "CA0570100," report "5701" only.

Date

Enter the date prepared.

Incident Information:

Occurrence Date

Enter the month, day, and year of occurrence.

Time

If known, enter the time of occurrence in military 24-hour time.

Crime Case Number

Enter the number assigned by your agency used to identify each report uniquely, e.g., the Originating Agency Case Number.

Total Number of Individual Victims

Enter the total number of individual victims involved in the incident.

Example: The offender shoved an employee at a reproductive health services facility. The offender also broke the window of the reproductive health services facility. Report "1" victim (the employee) in the "Total Number of Individual Victims" box.

Total Number of Property Victims

Enter the total number of property victims involved in the incident.

Example: Referring to the example above, report "1" property victim (the reproductive health services facility) in the "Total Number of Property Victims" box.

Statute (Code Section) *Attach additional sheets of paper if needed.*

Enter all ARRC offenses involved (up to 10) in the ARRC incident. If there are more than a total of 10 ARRC offenses involved in an incident, enter the most serious offenses. Record each statute code only once even though there may have been more than one victim per offense. Report the exact statute (Penal Code, Health and Safety Code, etc.), section number, and appropriate subsection.

Literal

Enter a short description of the statutory code section.

Level

Enter the level of the code section involved ("M" for misdemeanor or "F" for felony).

Crime of Violence?

For each statute code reported, answer the following question: did this offense involve "the use, attempted use, or threatened use of physical force against the person or property of another" as defined by 423.1 PC (see the back of the Summary Worksheet for the statute code definition). If the answer is yes, check the "yes" box. If it is not a crime of violence, check the "no" box.

Number of Victims/Property

Enter the number of victims for each offense which were perpetrated against him/her during the incident.

Example: During a "protest" an unruly participant refuses requests to leave the grounds of a health facility. The offender also shoves two clients walking into a reproductive health services facility and then breaks a window of the building. The offender is arrested for 423.2 (A) PC, 423.2 (E) PC, and 602(N) PC. Enter 423.2 (A) PC, 423.2 (E) PC, and 602 (N) PC in the "Statute (Code Section)" boxes.

ARRC Offense(s) Statute (Code Section)	Literal	Level (M/F)	Crime of Violence?	Number of Victims/Prop
1. 423.2 (A) PC	violence/etc: reproductive health client	M	Yes	2
2. 423.2 (E) PC	intentionally damage property:repro health svcs	M	Yes	1
3. 602 (N) PC	trespass: refuse to leave property	M	No	1

Location Type

Check a location type to show where the ARRC offense took place. If the location does not fit into one of the categories listed, check "other" and enter the location.

If Weapon Involved

Choose up to three types of weapons/force used by the offender. If the weapon does not fit into one of the categories listed, check "other" and enter the weapon.

Victim Information: *Attach additional sheets of paper if needed.*

Race

Enter the victim's race using the race/ethnicity codes provided in the legend.

Sex

Enter the victim's sex.

Date of Birth

Enter the victim's date of birth (mm/dd/yyyy).

Victim Type

Enter the appropriate victim type code:

IC=Individual Client (reproductive health services client)

IE=Individual Employee (reproductive health services employee)

IO=Individual Other (individual not fitting the above specifically listed individuals)

Victim Of

For each victim, check the boxes of the offenses (numbered in the statute code section) which were perpetrated against him/her during the incident.

Property: *Attach additional sheets of paper if needed.*

Property Type

Enter the appropriate property type code:

B=Business

R=Religious Organization (or building associated with a specific religious group)

H=Health Facility (includes hospital, abortion clinic, family planning clinic, etc.)

OE=Other Entity (represents acts directed at entities which do not fit in any of the above categories)

Type of Loss or Damage

Check the type of loss or damage to the property. For each type of loss or damage, up to ten property descriptions or property categories (see legend) can be reported.

Value

Report the dollar values of the property which was burned, stolen, destroyed, etc., as a result of the incident. Up to ten values can be entered to match the up to ten property descriptions. If more than ten types of property are involved, the values of the nine most valuable properties are to be reported; then, the total value of the remaining properties which were coded "other" are to be combined and reported as one total.

Property Description or Property Category Code

For each type of property loss, up to ten property descriptions or property category codes (see legend) can be reported. If more than ten types of property are involved, the nine most valuable specifically listed types of property are to be reported and the remaining types of property are to be combined and reported as "other."

Suspect Information: *Attach additional sheets of paper if needed.*

Race

Enter the suspect's race using the race/ethnicity codes given in the legend. If the suspect information is unknown, enter "x" (unknown).

Sex

Enter the suspect's sex. If the suspect information is unknown, check "unknown."

Date of Birth or Age

Enter the suspect's date of birth or approximate age. If unknown, leave blank.

Is this suspect a resident of your locality?

Check the box that identifies the suspect as a resident or nonresident of the locality where the crime occurred. A "resident" is a person who maintains his/her permanent home for legal purposes in the locality (i.e., town, city, community) where the crime took place. Law enforcement agencies should base their determinations of residency on the town, city, or community where the crime occurred rather than their broader geographical jurisdictions. If the suspect information is unknown, check "unknown."

ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2005

2004 Data

Event				Offense					
	Date		Reporting			Offense	Crime		
Total of events ¹	of event	County	agency	Total offenses	Offense	level (Fel/Misd)	of violence	Location	Weapon
8				15					
1	02/04/04	Kern	Bakersfield PD	1	Assault and battery	Misd	Yes	Residence/home/driveway	None
1	04/07/04	Solano	Vallejo PD	1	Vandalism	Misd	No	Private/public health facility	None
1	04/16/04	Riverside	Riverside PD	1	Assault and battery	Misd	Yes	Private/public health facility	None
1	04/27/04	Riverside	Riverside PD	1	Disturbing the peace	Misd	Yes	Private/public health facility	None
1	04/29/04	Riverside	Palm Desert PD	1	Assault	Felony	Yes	Private/public health facility	Handgun
1	06/16/04	Shasta	Redding PD	8	Assault	Felony	Yes	Private/public health facility	Blunt object (child's wooden sword)
					Assault and battery	Misd	Yes		
					Assault	Felony	Yes		
					Assault and battery	Misd	Yes		
					Assault	Felony	Yes		
					Assault and battery	Misd	Yes		
					Assault and battery	Misd	Yes		
1	07/27/04	San Joaquin	Stockton PD	1	Vandalism	Misd	No	Private/public health facility	Personal weapons (feet)
1	07/29/04	Contra Costa	Concord PD	1	Assault and battery	Misd	Yes	Private/public health facility	None (bomb threat)

¹ An "event" is an occurrence of one or more criminal offenses committed against one or more victims by one or more suspects/perpetrators.

² A "victim" may be an individual, a reproductive health facility, a residence, etc. A victim can have more than one offense committed against them. Note: Dash indicates that data are not applicable or no information was reported.

2003 Data

Event				Offense					
	Date		Reporting			Offense	Crime		
Total of events ¹	of event	County	agency	Total offenses	Offense	level (Fel/Misd)	of violence	Location	Weapon
10				11					
1	01/14/03	Contra Costa	Pleasant Hill PD	1	Assault and battery	Misd	No	Residence/home/driveway	None
1	03/19/03	San Luis Obispo	San Luis Obispo PD	1	Malicious mischief	Misd	No	Residence/home/driveway	None
1	03/30/03	San Luis Obispo	San Luis Obispo PD	1	Vandalism	Misd	No	Residence/home/driveway	None
1	03/30/03	San Luis Obispo	San Luis Obispo PD	1	Vandalism	Misd	No	Residence/home/driveway	None
1	04/17/03	Stanislaus	Modesto PD	1	Vandalism	Misd	Yes	Commercial/office building	Fire/incendiary device
1	05/03/03	Los Angeles	Whittier PD	1	Vandalism	Misd	No	Commercial/office building	None
1	05/14/03	Shasta	Redding PD	2	Assault and battery	Misd	No	Private/public health facility	None
					Assault and battery	Misd	No		
1	06/09/03	Los Angeles	Whittier PD	1	Vandalism	Misd	No	Private/public health facility	Spray paint
1	11/12/03	Orange	Orange PD	1	Disturbing the peace	Misd	No	Private/public health facility	None
1	11/22/03	Sonoma	Santa Rosa PD	1	Vandalism	Misd	No	Private/public health facility	Rock

Spreadsheet

Victim information								Suspect information			
Total victims ²	Type of victim	Individual			Property			Total suspects	Race/ethnic group of suspect	Gender of suspect	Age of suspect
		Race/ethnic group of victim	Gender of victim	Age of victim	Property description	Type of loss or damage	Value of property				
11								7			
1	Individual-client	White	Female	22	-	-	-	1	White	Male	26
1	Property-health facility	-	-	-	Structure (parking lot)	Vandalized (trash dumped)	\$225 (cost to remove)	-	-	-	-
1	Individual-employee	Hispanic	Female	27	-	-	-	1	Hispanic	Female	Unknown
1	Individual-client	White	Male	20	-	-	-	1	White	Male	61
1	Individual-client	Hispanic	Female	16	-	-	-	1	White	Male	18
4	Individual-employee	White	Female	28	-	-	-	1	White	Female	25
	Individual-employee	White	Female	47	-	-	-				
	Individual-other	White	Female	19	-	-	-				
	Individual-other	White	Female	17	-	-	-				
1	Property-health facility	-	-	-	Structure (window)	Destroyed	\$255	1	White	Male	Unknown
1	Property-business	-	-	-	Structure	None	\$0	1	White	Male	55

Spreadsheet

Victim information								Suspect information			
Total victims ²	Type of victim	Individual			Property			Total suspects	Race/ethnic group of suspect	Gender of suspect	Age of suspect
		Race/ethnic group of victim	Gender of victim	Age of victim	Property description	Type of loss or damage	Value of property				
11								6			
1	Individual-other	White	Male	67	-	-	-	1	Unknown	Male	Unknown
1	Individual-other	White	Female	37	Automobile	Vandalized	\$0	-	-	-	-
1	Individual-other	White	Male	44	Automobile	Vandalized	\$0	-	-	-	-
1	Individual-other	White	Male	57	Automobile	Vandalized	\$0	-	-	-	-
1	Property-business	-	-	-	Structure	Burned	Unknown	1	Hispanic	Male	Unknown
1	Property-business	-	-	-	Structure	Vandalized	\$40	-	-	-	-
2	Individual-employee	White	Female	47	-	-	-	1	White	Male	72
	Individual-other	White	Male	32	-	-	-				
1	Property-health facility	-	-	-	Structure	Vandalized	\$50	2	Hispanic	Male	Unknown
									Hispanic	Male	Unknown
1	Individual-employee	Unknown	Female	31	-	-	-	1	White	Male	Unknown
1	Property-business	-	-	-	Structure	Vandalized	Unknown	-	-	-	-

CJSC PUBLICATIONS

Annual Publications

Anti-Reproductive-Rights Crimes in California**
Concealable Firearms Charges in California**
Crime in California**
Crime in California, Advance Release**
Criminal Justice Profile - A Supplement to
Crime in California (statewide and individual
counties)**
Hate Crime in California**
Homicide in California**
Juvenile Justice in California**
Preliminary Report, Crime (January
through June, January through September,
and January through December)**

Foci and Forums

The California Experience in American
Juvenile Justice: Some Historical
Perspectives (December 1988)
Controlling Plea Bargaining in California
(September 1985)
Coordinating Justice in California: "There
ought to be a law about it" (December
1988)
Crime Control and the Criminal Career
(December 1992)
The Development of California Drunk
Driving Legislation (December 1988)
Employment and Crime (February 1989)
The Impact of California's "Prior Felony
Conviction" Law (September 1987)
The Origins and Development of Penalties
for Drunk Drivers in California (August
1988)
A Policy Role for Focus Groups:
Community Corrections (September
1991)
The Prevalence and Incidence of Arrests
Among Adult Males in California (August
1988)
The Social Structure of Street Drug
Dealing (December 1988)

Outlooks

Adult Felony Arrest Dispositions in
California (1982-1984, 1986-1989)
Crime in Urban and Rural California
(November 1984 and December 1997)**
Death in Custody, California (May 2005)**

Felony Drug Arrests in California, 1985
(December 1986)
Juvenile Justice in California, 1983 (June
1984)
Motor Vehicle Theft in California
(December 1987)
Motor Vehicle Theft Recovery Data,
1983-1989 (October 1990)
Women in Crime: The Sentencing of
Female Defendants (April 1988)

Reports

Adult Felony Arrest Dispositions in
California (April 1992)
Crime in California and the United States,
(1983, 1990, 2000)**
Effectiveness of Statutory Requirements
for the Registration of Sex Offenders - A
Report to the California State Legislature
Executive Summary of the Final Report -
Blue Ribbon Commission on Inmate
Population Management (January 1990)
The Juvenile Justice System in California:
An Overview (April 1989)
Parolees Returned to Prison and the
California Prison Population (January
1988)
Target Hardening: A Literature Review
(October 1989)

Report Series

Report on Arrests for Burglary in California,
1998**
Report on Arrests for Domestic Violence in
California, 1998**
Report on Arrests for Driving Under the
Influence in California, 1997**
Report on Drug Arrests in California, From
1990 to 1999 (December 2000)**
Report on Juvenile Felony Arrests in
California, 1998 (March 2000)**
Report on Violent Crimes Committed
Against Senior Citizens in California,
1998**

Research Series

Why Did the Crime Rate Decrease Through
1999? (And Why Might it Decrease or
Increase in 2000 and Beyond?)
(December 2000)**

Special Report to the Legislature on
Senate Bill 780 (California Freedom of
Access to Clinic and Church Entrances
Act and Reproductive Rights Law
Enforcement Act) (August 2003)
Special Report to the Legislature on
Senate Bill 1608 (Felons and others
with firearms) (July 2002)
Special Report to the Legislature on
Senate Resolution 18 (Crimes Committed
Against Homeless Persons) (October
2002)**

Monograph Series

Conspicuous Depredation: Automobile
Theft in Los Angeles, 1904 to 1987
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California: The Impact of the Victim's
Bill of Rights (1986)
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Race & Delinquency in Los Angeles
Juvenile Court, 1950 (December 1990)
Survey Report: "The Expansion of the
Criminal Justice and Penal System in
California - Is greater coordination
required?" (December 1988)

Miscellaneous

California Criminal Justice Time Line,
1822-2000 (June 2001)**
Crime in California (April 2001)**
Gang Organization and Migration/Drugs,
Gangs & Law Enforcement
Proceedings of the Attorney General's
Crime Conference 85 (September 1985)
Proceedings of Symposium 87: White
Collar/Institutional Crime - Its Measure-
ment and Analysis

**Available on the Internet.

For publications or assistance in obtaining statistical information or a customized statistical report, please contact:

California Department of Justice
Bureau of Criminal Information and Analysis
Criminal Justice Statistics Center
Special Requests Unit
P.O. Box 903427
Sacramento, CA 94203-4270

Phone: (916) 227-3509 **Fax:** (916) 227-0427 **E-mail:** cjsc@doj.ca.gov **Internet:** <http://ag.ca.gov/cjsc>

Annual publications from 1999-2004 are also available on CD-ROM, including data tables in the Excel spreadsheet format.

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