

FACE Act Violations (P.C. 423.2) (5 ways to violate)

1. Suspect has by force, threat of force or physical obstruction that is a crime of violence (P.C. 423.2, subd. (a)):

- Intentionally injured, intimidated, or interfered with clinic patients, providers, or assistants or attempted to do so, and
- Committed this act either:
 - Because that person or entity is a reproductive patient, provider, or assistant or
 - To intimidate a person or entity, or a class of person or entities from becoming or remaining a reproductive health services patient, provider, or assistant.

2. Suspect has by nonviolent physical obstruction (P.C. 423.2, subd. (c)):

- Intentionally injured, intimidated, or interfered with clinic patients, providers, or assistants or attempted to do so, and
- Committed this act either:
 - Because that person or entity is a reproductive health services patient, provider, or assistant or
 - To intimidate a person or entity, or a class of person or entities from becoming or remaining a reproductive health services patient, provider, or assistant.

Example from POST: A group of subjects enters a clinic lobby or property who are not patients of the facility and cause a disturbance therefore, intimidating staff and patients, but upon contact with law enforcement agree to leave the property.

3. Suspect intentionally damaged or destroyed property (P.C. 423.2, subd. (e)):

- Of a person, entity, or facility or attempted to do so; and
- Committed this act because the person entity or facility if a reproductive health services patient, provider, assistant or facility.

4. Suspect intentionally videotaped, filmed, photographed or recorded by electronic means (P.C. 423.2, subd. (g)):

- Within 100 feet of the entrance to, or within a reproductive health services facility;
- A reproductive health services patient, provider, or assistant, without that person's consent
- With the specific intent to intimidate the person from becoming or remaining a reproductive health services patient, provider, or assistant; and
- Thereby caused the person to be intimidated.

5. Suspect intentionally disclosed or distributed a videotape, film, photograph or recording (P.C. 423.2, subd. (h)):

- Knowing it was obtained in violation of P.C. 423.2, subd. (g);
- With the specific intent to intimidate the person from becoming or remaining a reproductive health services patient, provider, or assistant; and
- Thereby caused the person to be intimidated.

Other Crimes to Consider

- **P.C. 602 subd. (o): Trespass** – refusing to leave private property not open to the general public upon being asked to leave by the owner or a peace officer.
- **P.C. 602.11** – misdemeanor for any person to intentionally prevent an individual from entering or exiting a health care facility by physically detaining the individual or physically obstructing the individual's passage.
- **P.C. 594 subd. (a): Vandalism** – Damaging, destroying or defacing personal property. (Over \$400 can be a felony – P.C. 594 subd. (b)(1))
- **P.C. 653m: Obscene or Threatening Telephone Call or Electronic Contacts** – (applies to calls, emails, text messages, postings on social media) making a telephone call or electronic contact with the intent to annoy or harass, and using obscene language or uttering a threat to inflict injury to the person, their property or their family member.
- **P.C. 653m subd. (b): Annoying Telephone Calls or Electronic Contacts** – making repeated telephone calls or electronic contacts with the intent to annoy or harass.
- **P.C. 653.5 subd. (a): Electronic Harassment** – Electronic publication of another person's personal identifying information, their image, or a harassing message with the intent to place them in fear of their safety or the safety of their family.
- **Gov. Code 6218.01: Prohibition on Posting Personal Information with Intent to Incite Others to commit a crime of violence or a threat of violence** –
 - Posted on the Internet or social media the personal information or image of a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address.
 - Committed with the intent that another person imminently uses that information to commit a crime involving violence or a threat of violence against such person.
- **P.C. 407: Unlawful Assembly** – When two or more persons assemble to do an unlawful act, or do a lawful act in a violent, boisterous, or tumultuous manner, it is a misdemeanor. The intent to act in an unlawful manner may be formed either before or during the assembly.
- **P.C. 409: Remaining at an unlawful assembly after a warning to disperse**
- **P.C. 646.9: Stalking** – suspect willfully and maliciously harassed or willfully, maliciously, and repeatedly followed another person; AND suspect made a credible threat with the intent to place the other person in reasonable fear for their safety (or safety of immediate family).
 - *Credible threat* is one that causes the target of the threat to reasonably fear for his or her safety [or for the safety of their immediate family] and one that the maker of the threat appears to be able to carry out.
 - *Harassing* means engaging in a knowing and willful course of conduct directed at a specific person that seriously annoys, alarms, torments, or terrorizes the person and that serves no legitimate purpose.
- **P.C. 422: Criminal Threats** – threaten another person with death or great bodily injury with the intent that it be understood as a threat (even if the suspect does not actually intend to carry it out), under the circumstances the threat was so clear, immediate, unconditional & specific that it communicated a serious intention and the immediate prospect that the threat would be carried out, the threat caused the victim to be in sustained fear, and victim's fear was reasonable under the circumstances.