



LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

Pennsylvania Fact Sheet

Obstructing Administration of Law or Other Government Function

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state **and** local officials. Below is more information on Pennsylvania's relevant law.

Purdon's Pennsylvania Statutes and Consolidated Statutes, Title 18, §5101

A person commits a misdemeanor of the second degree if he intentionally obstructs, impairs or perverts the administration of law or other governmental function by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act, except that this section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.

Relevant Definitions

Purdon's Pennsylvania Statutes and Consolidated Statutes, Title 18, §4501

Government." Includes any branch, subdivision or agency of:

- (1) the Commonwealth government;
- (2) any political subdivision; or
- (3) any municipal or local authority.



Penalties

Purdon’s Pennsylvania Statutes and Consolidated Statutes, Title 18, §104

Up to 2 years imprisonment

Purdon’s Pennsylvania Statutes and Consolidated Statutes, Title 18, §101

Up to \$5,000 fine

Summary

A person is guilty of obstructing the administration of law or other government function when he/she obstructs, impairs or perverts the administration of law or other governmental function by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act. Government includes any political subdivision or municipality. If convicted, a person faces up to 2 years imprisonment and/or up to a \$5,000 fine.

Template for Notifying Violators

Below is a sample template for notifying individuals regarding their conduct relative to the code.

Purdon’s Pennsylvania Statutes and Consolidated Statutes, Title 18 § 5101 prohibits obstructing the administration of law or other government function [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email threatening harm to the Pennsylvania Secretary of Health for implementing a mask mandate.] *This may constitute a violation of § 5101 (second version) If convicted, you face up to 2 years imprisonment and/or a fine of up to \$5,000.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*