

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2509

By: Wesselhoft

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; creating the Oklahoma Funeral Protection Act; providing short title; stating legislative findings; stating purpose; defining terms; making certain conduct unlawful; providing for punishment; providing civil remedies; providing for authority of certain counties and municipalities to determine sites for picketing and demonstrations; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1380 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. This section shall be known and may be cited as the "Oklahoma Funeral Protection Act".

B. The Legislature finds that:

1. It is generally recognized that families have a substantial interest in organizing and attending funerals for deceased relatives;

2. The interests of families in privately and peacefully mourning the loss of deceased relatives are violated when funerals are targeted for picketing and other public demonstrations; and

3. Picketing of funerals causes emotional disturbance and distress to grieving families who participate in funerals.

C. The purpose of this section is to protect the privacy of grieving families.

D. As used in this section:

1. "Funeral" means the ceremonies, processions, and memorial services held in connection with the burial or cremation of the dead; and

2. "Picketing" means protest or demonstration activities engaged in by a person or persons.

E. It is unlawful for any person to engage in picketing or any other form of protest or demonstration at a funeral service, memorial service, wake, procession, or other event being conducted to acknowledge the death of an individual, within five hundred (500) feet of any property line of any home, church, synagogue, morgue, cemetery, or mortuary, in which the funeral service, memorial service, wake, procession, or other event being conducted to acknowledge the death of an individual, is taking place, within two (2) hours prior to, during and two (2) hours after the conclusion of the funeral service, memorial service, wake, procession, or other event being conducted to acknowledge the death of an individual.

F. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by mandatory imprisonment in the county jail not less than sixty (60) days, and in addition shall be subject to a fine of not less than Five Hundred Dollars (\$500.00) but not more than One Thousand Dollars (\$1,000.00), for a first offense. Any person convicted of a second or subsequent violation of this section shall be punished by mandatory imprisonment in the county jail for not less than ninety (90) days, and in addition shall be subject to a fine of not less than One Thousand Five Hundred Dollars (\$1,500.00) but not more than Two Thousand Five Hundred Dollars (\$2,500.00). In addition to other penalties provided for in this section, the court shall require any person convicted of violating this section to perform not less than forty (40) hours of community service. The court shall not suspend any portion of the community service required by this section.

G. In addition to the penalties provided for in subsection F of this section, any district court may enjoin conduct proscribed by this section and may in any such proceeding award damages, including punitive damages, attorney fees and other appropriate relief against the persons found guilty of actions made unlawful by this section.

H. Any county or municipality that requires advance approval or issuance of a permit prior to picketing or other public demonstration may determine the site for the picketing or demonstration.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

50-2-9300

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02/08/06