

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL 1951

By: Corn of the Senate

and

Brannon, Cooksey and Nance  
of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending the Oklahoma Funeral Picketing Act; increasing definition; increasing scope of unlawful conduct; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1 of Enrolled Senate Bill No. 1020 of the 2nd Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 1. A. This section shall be known and may be cited as the "Oklahoma Funeral Picketing Act".

1. The Legislature finds that:

- a. it is generally recognized that families have a substantial interest in organizing and attending funerals for deceased relatives,
- b. 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,
- c. picketing of funerals causes emotional disturbance and distress to grieving families who participate in funerals, and

d. full opportunity exists under the terms and provisions of this section for the exercise of freedom of speech and other constitutional rights at times other than the period from one hour before the scheduled commencement of funeral services until one hour after the actual completion of the funeral services.

B. The purposes of this section are to:

1. Protect the privacy of grieving families during the period from one hour before the scheduled commencement of the funeral services until one hour after the actual completion of the funeral services; and

2. Preserve the peaceful character of cemeteries, mortuaries and churches from one hour before the scheduled commencement of funerals services until one hour after the actual completion of the funeral services.

C. 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 activities engaged in by a person or persons within five hundred (500) feet of a cemetery, mortuary ~~or~~, church or other place where any portion of a funeral service is held during the period from one hour before the scheduled commencement of funeral services until one hour after the actual completion of the funeral services.

D. It is unlawful for any person to engage in picketing within five hundred (500) feet of any cemetery, church ~~or~~, mortuary or other place where any portion of a funeral service is held during the period from one hour before the scheduled commencement of funeral services until one hour after the actual completion of the funeral services.

E. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not more than thirty (30) days, or by both such fine and imprisonment.

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

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.

50-2-3971

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