

SB 1020

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THE STATE SENATE
Thursday, February 9, 2006

Senate Bill No. 1020
As Amended

SENATE BILL NO. 1020 - By: EASLEY, MAZZEI, CRAIN, JOHNSON
(Constance), LAMB, NICHOLS and WILLIAMSON of the Senate and
ROUSSELOT of the House.

[crimes and punishments - Oklahoma Funeral Picketing Act -
codification -
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 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,

1 c. picketing of funerals causes emotional disturbance and
2 distress to grieving families who participate in
3 funerals, and

4 d. full opportunity exists under the terms and provisions
5 of this section for the exercise of freedom of speech
6 and other constitutional rights at times other than
7 within one hour prior to, during and ~~two (2) hours~~
8 **four (4) hours** following the commencement of funerals.

9 B. The purposes of this section are to:

10 1. Protect the privacy of grieving families within one hour
11 prior to, during and ~~two (2) hours~~ **four (4) hours** following the
12 commencement of funerals; and

13 2. Preserve the peaceful character of cemeteries, mortuaries
14 and churches within one hour prior to, during and ~~two (2) hours~~ **four**
15 **(4) hours** following the commencement of funerals.

16 C. As used in this section:

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

20 2. "Picketing" means protest activities engaged in by a person
21 or persons within five hundred (500) feet of a cemetery, mortuary or
22 church within one hour prior to, during and ~~two (2) hours~~ **four (4)**
23 **hours** following the commencement of a funeral.

1 D. It is unlawful for any person to engage in picketing within
2 five hundred (500) feet of any cemetery, church or mortuary within
3 one hour prior to, during and ~~two (2) hours~~ **four (4) hours** following
4 the commencement of a funeral.

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

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-7-06 - DO PASS,
20 As Amended and Coauthored.