

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2478

By: Roussetot

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1166, which relates to disturbing funerals; modifying penalty; making certain conduct unlawful; providing penalty; defining terms; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1166, is amended to read as follows:

Section 1166. A. Every person who willfully disturbs, interrupts or disquiets any assemblage of people met for the purpose of any funeral, or who, without authority of law, obstructs or detains any persons engaged in carrying or accompanying any dead body of a human being to a place of burial, is guilty of a ~~misdemeanor~~ felony punishable by a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment in the custody of the Department of Corrections for not less than one (1) year, or by both such fine and imprisonment. In addition, the court shall require the person to perform not less than forty (40) hours of community service. The court shall not suspend any portion of the community service requirement in this section.

B. It shall be unlawful for any person to engage in picketing within two thousand (2,000) feet of the property line of any cemetery, church, or mortuary within one (1) hour prior to, during, and two (2) hours following the commencement of a funeral. Any person convicted of a violation of this subsection shall be guilty of a felony punishable by a fine of not less than Two Thousand Five

Hundred Dollars (\$2,500.00), or by imprisonment in the custody of the Department of Corrections for not less than one (1) year, or by both such fine and imprisonment. In addition, the court shall require the person to perform not less than forty (40) hours of community service. The court shall not suspend any portion of the community service requirement in this section.

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 two thousand (2,000) feet of the property line of a cemetery, church, or mortuary within one (1) hour prior to, during, and two (2) hours following the commencement of a funeral. Any county or municipality that requires advance approval or issuance of a permit prior to the scheduled activity shall determine the site for the picket.

SECTION 2. This act shall become effective November 1, 2006.

50-2-7710            GRS            11/30/05