

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1377

By: Nichols

AS INTRODUCED

An Act relating to crimes and punishments; creating the Oklahoma Funeral Picketing Act; providing short title; making legislative findings; providing purposes; defining terms; making certain conduct unlawful; providing for punishment; providing civil remedies; 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 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

within one hour prior to, during and two (2) hours following the commencement of funerals.

B. The purposes of this section are to:

1. Protect the privacy of grieving families within one hour prior to, during and two (2) hours following the commencement of funerals; and

2. Preserve the peaceful character of cemeteries, mortuaries and churches within one hour prior to, during and two (2) hours following the commencement of funerals.

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 within one hour prior to, during and two (2) hours following the commencement of a funeral.

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

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.

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