

1 THE STATE SENATE
2 Monday, March 29, 2010

3 ENGROSSED

4 House Bill No. 2572

5 As Amended

6 ENGROSSED HOUSE BILL NO. 2572 - By: Wesselhoft, Billy, Reynolds,
7 Faught, Roan, Walker, Kern, Renegar, Cannaday, Cox and Bailey of the
8 House and Russell, Easley, Gumm, Leftwich and Sykes of the Senate.

9 [crimes and punishments - Oklahoma Funeral Picketing Act -
10 modifying purpose - clarifying definition - increasing
11 penalties -

12 emergency]

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

14 SECTION 1. AMENDATORY Section 1, Chapter 4, O.S.L. 2006,
15 as amended by Section 1, Chapter 244, O.S.L. 2006 (21 O.S. Supp.
16 2009, Section 1380), is amended to read as follows:

17 Section 1380. A. This section shall be known and may be cited
18 as the "Oklahoma Funeral Picketing Act".

19 1. The Legislature finds that:

20 a. it is generally recognized that families have a
21 substantial interest in organizing and attending
22 funerals for deceased relatives,

23 b. the interests of families in privately and peacefully
24 mourning the loss of deceased relatives are violated
25 when funerals are targeted for picketing and other
26 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 the period from one hour before the scheduled
8 commencement of funeral services until one hour after
9 the actual completion of the funeral services.

10 B. The purposes of this section are to:

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

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

19 C. As used in this section:

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

1 2. "Picketing" means demonstrations or protest activities
2 engaged in by a person or persons within five hundred (500) feet of
3 the property line of a cemetery, mortuary, church or other place
4 where any portion of a funeral service is held during the period
5 from one hour before the scheduled commencement of funeral services
6 until one hour after the actual completion of the funeral services.

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

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

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-24-10 - DO
6 PASS, As Amended and Coauthored.