

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2572

By: Wesselhoft and Billy of the  
House

4 and

5 Leftwich of the Senate

6  
7  
8 AS INTRODUCED

9 An Act relating to crimes and punishments; amending  
10 Section 1, Chapter 4, O.S.L. 2006, as amended by  
11 Section 1, Chapter 244, O.S.L. 2006 (21 O.S. Supp.  
12 2009, Section 1380), which relates to the Oklahoma  
13 Funeral Picketing Act; modifying purpose and scope of  
14 certain prohibited act; clarifying certain  
15 definition; increasing penalties; and providing an  
16 effective date.

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

18 SECTION 1. AMENDATORY Section 1, Chapter 4, O.S.L. 2006,  
19 as amended by Section 1, Chapter 244, O.S.L. 2006 (21 O.S. Supp.  
20 2009, Section 1380), is amended to read as follows:

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

23 1. The Legislature finds that:  
24

- 1 a. it is generally recognized that families have a  
2 substantial interest in organizing and attending  
3 funerals for deceased relatives,  
4 b. the interests of families in privately and peacefully  
5 mourning the loss of deceased relatives are violated  
6 when funerals are targeted for picketing and other  
7 public demonstrations,  
8 c. picketing of funerals causes emotional disturbance and  
9 distress to grieving families who participate in  
10 funerals, and  
11 d. full opportunity exists under the terms and provisions  
12 of this section for the exercise of freedom of speech  
13 and other constitutional rights at times other than  
14 the period from ~~one hour~~ two (2) hours before the  
15 scheduled commencement of funeral services until ~~one~~  
16 ~~hour~~ two (2) hours after the actual completion of the  
17 funeral services.

18 B. The purposes of this section are to:

- 19 1. Protect the privacy of grieving families during the period  
20 from ~~one hour~~ two (2) hours before the scheduled commencement of the  
21 funeral services until ~~one hour~~ two (2) hours after the actual  
22 completion of the funeral services; and  
23 2. Preserve the peaceful character of cemeteries, mortuaries  
24 and churches from ~~one hour~~ two (2) hours before the scheduled

1 commencement of funerals services until ~~one hour~~ two (2) hours after  
2 the actual completion of the funeral services.

3 C. As used in this section:

4 1. "Funeral" means the ceremonies, processions and memorial  
5 services held in connection with the burial or cremation of the  
6 dead; and

7 2. "Picketing" means demonstrations or protest activities  
8 engaged in by a person or persons within ~~five hundred (500)~~ one  
9 thousand (1,000) feet of the property line of a cemetery, mortuary,  
10 church or other place where any portion of a funeral service is held  
11 during the period from ~~one hour~~ two (2) hours before the scheduled  
12 commencement of funeral services until ~~one hour~~ two (2) hours after  
13 the actual completion of the funeral services.

14 D. It is unlawful for any person to engage in picketing within  
15 ~~five hundred (500)~~ one thousand (1,000) feet of the property line of  
16 any cemetery, church, mortuary or other place where any portion of a  
17 funeral service is held during the period from ~~one hour~~ two (2)  
18 hours before the scheduled commencement of funeral services until  
19 ~~one hour~~ two (2) hours after the actual completion of the funeral  
20 services.

21 E. Any person violating the provisions of this section shall be  
22 guilty of a misdemeanor and upon conviction thereof shall be  
23 punished by a fine of not more than ~~Five Hundred Dollars (\$500.00)~~  
24 One Thousand Dollars (\$1,000.00), or by imprisonment in the county

1 jail of not more than ~~thirty (30)~~ sixty (60) days, or by both such  
2 fine and imprisonment.

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

9 SECTION 2. This act shall become effective November 1, 2010.

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11 52-2-8710 GRS 12/15/09

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