

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 287

By: Gumm

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 Section 1, Chapter 4, O.S.L. 2006, as amended by
9 Section 1, Chapter 244, O.S.L. 2006 (21 O.S. Supp.
10 2008, Section 1380), which relates to the Oklahoma
11 Funeral Picketing Act; modifying certain time period;
12 modifying certain distance; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY Section 1, Chapter 4, O.S.L. 2006,
16 as amended by Section 1, Chapter 244, O.S.L. 2006 (21 O.S. Supp.
17 2008, Section 1380), is amended to read as follows:

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

20 1. The Legislature finds that:

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

24 b. the interests of families in privately and peacefully
mourning the loss of deceased relatives are violated

1 when funerals are targeted for picketing and other
2 public demonstrations,

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

6 d. full opportunity exists under the terms and provisions
7 of this section for the exercise of freedom of speech
8 and other constitutional rights at times other than
9 the period from ~~one hour~~ three (3) hours before the
10 scheduled commencement of funeral services until ~~one~~
11 ~~hour~~ three (3) hours after the actual completion of
12 the funeral services.

13 B. The purposes of this section are to:

14 1. Protect the privacy of grieving families during the period
15 from ~~one hour~~ three (3) hours before the scheduled commencement of
16 the funeral services until ~~one hour~~ three (3) hours after the actual
17 completion of the funeral services; and

18 2. Preserve the peaceful character of cemeteries, mortuaries
19 and churches from ~~one hour~~ three (3) hours before the scheduled
20 commencement of ~~funerals~~ funeral services until ~~one hour~~ three (3)
21 hours after the actual completion of the funeral services.

22 C. As used in this section:
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1 1. "Funeral" means the ceremonies, processions and memorial
2 services held in connection with the burial or cremation of the
3 dead; and

4 2. "Picketing" means protest activities engaged in by a person
5 or persons within ~~five hundred (500)~~ one thousand (1,000) feet of a
6 cemetery, mortuary, church or other place where any portion of a
7 funeral service is held during the period from ~~one hour~~ three (3)
8 hours before the scheduled commencement of funeral services until
9 ~~one hour~~ three (3) hours after the actual completion of the funeral
10 services.

11 D. It is unlawful for any person to engage in picketing within
12 ~~five hundred (500)~~ one thousand (1,000) feet of any cemetery,
13 church, mortuary or other place where any portion of a funeral
14 service is held during the period from ~~one hour~~ three (3) hours
15 before the scheduled commencement of funeral services until ~~one hour~~
16 three (3) hours after the actual completion of the funeral services.

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

22 F. Notwithstanding the penalties provided in subsection E, any
23 district court may enjoin conduct proscribed by this section and may
24 in any such proceeding award damages, including punitive damages,

1 attorney fees or other appropriate relief against the persons found
2 guilty of actions made unlawful by this section.

3 SECTION 2. This act shall become effective November 1, 2009.
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