

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 HOUSE BILL 1074

 By: Roberts (Dustin)

7 AS INTRODUCED

8 An Act relating to crimes and punishments; amending
9 Section 1, Chapter 4, O.S.L. 2006, as last amended by
10 Section 2, Chapter 451, O.S.L. 2010 (21 O.S. Supp.
11 2010, Section 1380), which relates to the Oklahoma
12 Funeral Picketing Act; increasing distance
13 requirement; and providing an effective date.

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 last amended by Section 2, Chapter 451, O.S.L. 2010 (21 O.S.
16 Supp. 2010, 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.~~ B. The Legislature finds that:

20 ~~a.~~ it

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

1 ~~b.~~ the;

2 2. The interests of families in privately and peacefully
3 mourning the loss of deceased relatives are violated when funerals
4 are targeted for picketing and other public demonstrations,

5 ~~c.~~ picketing;

6 3. Picketing of funerals causes emotional disturbance and
7 distress to grieving families who participate in funerals, and

8 ~~d.~~ full

9 4. Full opportunity exists under the terms and provisions of
10 this section for the exercise of freedom of speech and other
11 constitutional rights at times other than the period from one hour
12 before the scheduled commencement of funeral services until one hour
13 after the actual completion of the funeral services.

14 ~~B.~~ C. The purposes of this section are to:

15 1. Protect the privacy of grieving families during the period
16 from one hour before the scheduled commencement of the funeral
17 services until one hour after the actual completion of the funeral
18 services; and

19 2. Preserve the peaceful character of cemeteries, mortuaries
20 and churches from one hour before the scheduled commencement of
21 funerals services until one hour after the actual completion of the
22 funeral services.

23 ~~C.~~ D. As used in this section:

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
6 the property line of a cemetery, mortuary, church or other place
7 where any portion of a funeral service is held during the period
8 from one hour before the scheduled commencement of funeral services
9 until one hour after the actual completion of the funeral services.

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

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

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

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

3 SECTION 2. This act shall become effective November 1, 2011.

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/15/2011 - DO
5 PASS.

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