

LOCAL ORDINANCES ON FUNERAL DISTURBANCES

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Senate Bill 1199

Sponsor: Sen. Jud Gilbert, II

House Committee: Veterans Affairs and Homeland Security

Senate Committee: Senior Citizens and Veterans Affairs

Complete to 5-9-06

A SUMMARY OF SENATE BILL 1199 AS PASSED BY THE SENATE

The bill would create a new act to do all of the following:

- Allow a local unit of government (a city, village, township, or county) to pass ordinances "necessary to protect and preserve the peace and respect toward those attending or conducting a funeral or memorial service."
- Allow the ordinance to require a permit to demonstrate at a funeral or memorial service.
- Allow the ordinance to prohibit certain conduct within 500 feet of a funeral, memorial service, viewing of a deceased person, funeral procession, or burial.
- Require a local unit to impose reasonable fines for violations of an ordinance.

An ordinance authorized under the bill could require a permit before a person could demonstrate on public property outside of a funeral home, church, cemetery, or other location at which a funeral or memorial service was being held. The local unit could assess a reasonable fee for processing and granting a permit. An ordinance also could include other provisions the local unit considered necessary, including prohibiting any person from doing any of the following within 500 feet of a building or other location where a funeral, memorial service, or viewing of a deceased person was being conducted, or within 500 feet of a funeral procession or burial in the hour immediately before, or during, or in the two hours immediately after:

- Making loud and raucous noise and continuing to do so after being asked to stop.
- Making any statement or gesture that would make a reasonable person under the circumstances feel intimidated, threatened, or harassed.
- Engaging in any other conduct that the person knows or reasonably should know would disturb, disrupt, or adversely affect the funeral, service, viewing, procession, or burial.

FISCAL IMPACT:

The bill would not appear to have a significant fiscal impact.

Legislative Analyst: Chris Couch

Fiscal Analyst: Jim Stansell

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