

**ASSEMBLY BILL**

**No. 279**

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**Introduced by Assembly Member Huff**

February 9, 2007

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An act to add Section 594.37 to the Penal Code, relating to funerals.

LEGISLATIVE COUNSEL'S DIGEST

AB 279, as introduced, Huff. Unlawful demonstrations: military funerals.

Existing law makes it a crime for a person to disturb, obstruct, detain, or interfere with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service or an interment.

This bill would make it an infraction, punishable by a fine not exceeding \$250, for a person to engage in disruptive activity at a funeral of a member or former member of the Armed Forces, as defined, during the time period beginning one hour prior to the funeral and ending one hour after the conclusion of the funeral. Because the bill would create a new infraction, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 594.37 is added to the Penal Code, to  
2 read:

3 594.37. (a) It is unlawful for a person to engage in a disruptive  
4 activity at a funeral of a member or former member of the Armed  
5 Forces, as defined in Section 18540 of the Government Code,  
6 anywhere other than a national cemetery, during the time period  
7 beginning one hour prior to and ending one hour after the  
8 conclusion, and within 300 feet of the funeral.

9 (b) Any violation of subdivision (a) is punishable by a fine not  
10 exceeding two hundred fifty dollars (\$250).

11 (c) For purposes of this section:

12 (1) "Disruptive activity" means an activity that intentionally  
13 disturbs or tends to disturb the peace or good order of the funeral  
14 or impedes access to the funeral.

15 (2) "Funeral" means the ceremony or memorial service held in  
16 connection with the burial or cremation of a deceased person.

17 (d) The provisions of this section are severable. If any provision  
18 of this section or its application is held invalid, that invalidity shall  
19 not affect other provisions or applications that can be given effect  
20 without the invalid provision or application.

21 SEC. 2. No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because  
23 the only costs that may be incurred by a local agency or school  
24 district will be incurred because this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section 17556 of  
27 the Government Code, or changes the definition of a crime within  
28 the meaning of Section 6 of Article XIII B of the California  
29 Constitution.