

AMENDED IN ASSEMBLY MARCH 15, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 279

Introduced by Assembly Member Huff
(Principal coauthor: Assembly Member Maze)
(Coauthors: Assembly Members Anderson, Benoit, Cook, Duvall,
Fuller, and Garrick)
(Coauthor: Senator Battin)

February 9, 2007

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

LEGISLATIVE COUNSEL'S DIGEST

AB 279, as amended, 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 (e) *The penalties set forth in this section are in addition to those*
22 *in Section 594.35.*
23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.