

AMENDED IN ASSEMBLY JULY 5, 2012

AMENDED IN SENATE JANUARY 4, 2012

SENATE BILL

No. 661

Introduced by Senator Lieu

February 18, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

SB 661, as amended, Lieu. Crime: picketing.

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 a crime, punishable by a fine not exceeding \$1,000, imprisonment in a county jail not exceeding 6 months, or by both, for a person to engage in picketing, as defined, except upon private property, which is targeted at a funeral, as defined, during the time period beginning one hour prior to the funeral and ending one hour after the conclusion of the funeral. The bill would set forth related findings and declarations.

Because this bill would create a new crime, the bill 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. (a) The Legislature hereby finds and declares
2 the following:

3 (1) It is generally recognized that families have a compelling
4 interest in organizing and attending funerals for deceased relatives.

5 (2) The interests of families in privately and peacefully
6 mourning the loss of deceased relatives are violated when funerals
7 are disrupted by picketing.

8 (3) Picketing of funerals causes emotional disturbance and
9 distress to grieving families who participate in funerals.

10 (4) Full opportunity exists for the exercise of freedom of speech
11 and other constitutional rights at times other than within one hour
12 prior to or during a funeral and one hour following the conclusion
13 of a funeral.

14 (b) The purpose of this act is to protect the privacy of grieving
15 families and to preserve the peaceful character of cemeteries,
16 mortuaries, and places of worship during the time one hour before
17 and one hour after a funeral.

18 SEC. 2. Section 594.37 is added to the Penal Code, to read:

19 594.37. (a) It is unlawful, except upon private property, for a
20 person to engage in picketing targeted at a funeral during the time
21 period beginning one hour prior to the funeral and ending one hour
22 after the conclusion of the funeral.

23 (b) Any violation of subdivision (a) is punishable by a fine not
24 exceeding one thousand dollars (\$1,000), imprisonment in a county
25 jail not exceeding six months, or by both that fine and
26 imprisonment.

27 (c) For purposes of this section:

28 (1) "Funeral" means the ceremony, or memorial service, held
29 in connection with the burial or cremation of a deceased person.

30 (2) "Picketing," for purposes of this section only, means protest
31 activities engaged in by any person within ~~500~~ 300 feet of a burial
32 site, mortuary, or place of worship.

33 (3) "Protest activities" includes oration, speech, use of sound
34 amplification equipment in a manner that is intended to make or
35 makes speech, including, but not limited to, oration audible to
36 participants in a funeral, or similar conduct that is not part of the
37 funeral, before an assembled group of people.

1 (4) “Targeted at” means directed at or toward the deceased
2 person or the attendees of a funeral.

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

7 SEC. 3. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.