

AMENDED IN ASSEMBLY APRIL 20, 2006

AMENDED IN ASSEMBLY APRIL 3, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2707

Introduced by Assembly Member Keene

February 24, 2006

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2707, as amended, Keene. 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 *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 also authorize a court to award damages, including punitive damages, injunctive relief, attorney's fees, and any other appropriate relief against a person who violates those provisions. The bill would set forth related findings and declarations.

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 substantial
4 interest in organizing and attending funerals for deceased
5 relatives.

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

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

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

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

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

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

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

28 (c) A court may award damages, including, but not limited to,
29 punitive damages, and may also award injunctive relief,
30 attorney’s fees, and any other appropriate relief against a person
31 who violates subdivision (a).

32 (d) For purposes of this section:

1 (1) “Funeral” means the ceremony, ~~procession~~, or memorial
2 service held in connection with the burial or cremation of a
3 deceased person.

4 (2) “Picketing” means protest activities engaged in by any
5 person within 300 feet of a ~~cemetery~~, *burial site*, mortuary, or
6 church.

7 (3) “Protest activities” includes oration, speech, *use of sound*
8 *amplification equipment in a manner that makes speech, or*
9 *oration audible to participants in a funeral*, or similar conduct
10 before an assembled group of people that is not part of the
11 funeral, the display of placards, banners, posters, flags, or similar
12 devices that are not part of the funeral, and the distribution of any
13 handbill, pamphlet, leaflet, or other written material that is not
14 part of the funeral.

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

19 SEC. 3. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the
24 penalty for a crime or infraction, within the meaning of Section
25 17556 of the Government Code, or changes the definition of a
26 crime within the meaning of Section 6 of Article XIII B of the
27 California Constitution.

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